DOCUMENT RESUME

ED 169 740 EC 114 673

TITLE	Fiscal Year 1979 Maryland Amended Annual Program Plan Under Part B of the Education of the Handicapped Act as Amended by Public Law 94-142.
INSTITUTION	Maryland State Dept. of Education, Baltimore. Office of Special Education.
SPONS AGENCY	Bureau of Education for the Handicapped (DHEW/OE), Washington, D.C.
PUB DATE	[78]
NOTE	281p.; Best copy available
AVAILABLE FROM	Maryland State Department of Education, Special Education Division, Information Management Branch, P.O. Box 8717, Baltimore, Maryland 21240 (free)
EDRS PRICE	MF01/PC12 Plus Postage.
DESCRIPTORS	Due Process; Educational Objectives; *Educational Policy; Elementary Secondary Education; *Federal Legislation; *Handicapped Children; Individualized Programs; *Program Development; *State Programs; State Standards; Student Placement
IDENTIFIERS	*Education for All Handicapped Children Act; *Maryland

ABSTRACT

The document contains Maryland's 1979 program plan for the education of handicapped children as mandated by P.L. 94-142 (Education for All Handicapped Children Act). Seventeen chapters address the following: public notice and opportunity for comment; right to education policy statement; full educational goal and timelines; policy on priorities; child identification; the individualized education program; procedural safeguards; least restrictive environment; protection in evaluation procedures; comprehensive system of personnel development; participation of private school children; placement in private schools; recovery of funds for misclassified children; hearing on LEA (local education agency) application; annual evaluation; additional requirements in such areas as monitoring procedures; and description of use of Part B funds. Appendixes, which make up the bulk of the document, include copies of Maryland State Legislation, criteria and guidelines for the LEA Child Find Plan, Maryland State Department of Education monitoring and evaluation forms and procedures, rules and regulations for surrogate parents, interagency agreements, form for application for a local plan, and a summary of public comments. (SBH)

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EDUCATION & WELFARE
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FISCAL YEAR 1979 MARYLAND AMENDED ANNUAL PROGRAM PLAN

UNDER

PART B OF THE EDUCATION OF THE HANDICAPPED ACT

AS AMENDED BY PUBLIC LAW 94-142

BEST COPY AVAILABLE

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MD State Dept. of Education

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

TABLE OF CONTENTS

Item		Page
Submission Statement		1
Certification of State Attorney General		3
I.	Public Notice & Opportunity for Comment	4
II.	Right to Education Policy Statement	6
III.	Full Educational Goal and Timelines	7
IV.	Policy on Priorities	13
V.	Child Identification	15
VI.	Individualized Education Program	18
VII	Procedural Safeguards	20
VIII.	Least Restrictive Environment	23
IX.	Protection in Evaluation Procedures	26
X.	Comprehensive System of Personnel Development	28
XI.	Participation of Private School Children	38
XII.	Placement in Private Schools	40
XIII.	Recovery of Funds for Misclassified Children	40
XIV.	Hearing on LEA Application	40
XV.	Annual Evaluation	41
XVI.	Additional Requirements	44
	A. Responsibility of SEA for All Educational Programs	44
	B. Monitoring Procedures	45
	C. Policies & Procedures for Use of Part B Funds	46
	D. Nondiscrimination & Employment of Handicapped Individuals	46
	E. Additional Information IF SEA Provides Direct Services	46
XVII.	Description of Use of Part B Funds	47

APPENDICES

		Page
A.	Public School Laws of Maryland Article 77A, Section 59A - Scholarships for Preparation of Teachers of Persons with Impaired Hearing	53
B.	Public School Laws of Maryland Section 85A - Hearing and Vision Screening Tests	54
C.	Maryland State Bylaw 13.04.01 Programs for Handicapped Children	55
D.	Maryland State Board of Education Resolution No. 1977-51 - Priorities for Special Education Services	109
E.	Criteria and Guidelines - LEA Child Find Plan	110
F.	MSDE Monitoring and Evaluation Forms and Procedures	115
	1978 Manual	116
	Administration Policies and Procedures	123
	Checklist (APPC)	
	Individual Case Review Checklist	149
	Project Review	151
	Monitoring/Evaluation Team Guidelines	167
	Sample Report Format	169
G.	Surrogate Parents - Rules and Regulations	173
H.	Interagency Agreements	186
	Health and Mental Hygiene	186
	Vocational Technical Education	189
	Head Start Programs	191
I.	Local Plan - Application	192
J.	Summary of Public Comments	227

SUBMISSION STATEMENT
(FY 1979 ANNUAL PROGRAM PLAN UNDER PART B)

I, the undersigned authorized official of the State Educational Agency of Maryland, hereby submit the following Annual Program Plan for Fiscal Year 1979 under Part B of the Education of the Handicapped Act, as amended by Public Law 94-142:

A. FY 1978 Annual Program Plan Components. The following items from this State's FY 1978 Annual Program Plan under Part B are hereby incorporated by reference:**

	(Item)	(Page No(s) in FY 1978 Plan)
	Submission Statement	-
II.	Right to Education Policy Statement	4-9
III.	Full Educational Opportunities Goal and Timelines:	
	(A) Goal Statement	-
	(B) Timetable (Table #1)	13
	(C) State Personnel Summary Sheet for 1978-79 School Year (Tables 2B & 2C)	-
IV.	Policy on Priorities	23-24
V.	Child Identification	
	(A) Policies and Procedures	28
VI.	Individualized Education Program	33-39
VII.	Procedural Safeguards	41-45
VIII.	Least Restrictive Environment:	
	(A) Procedures	47-48
IX.	Protection in Evaluation Procedures (Except for item 11 on page 16 of the APP-78 outline)	53-55
XI.	Participation of Private School Children	65-66
XII.	Placement in Private Schools	68-69
XIII.	Recovery of Funds for Misclassified Child	71
XIV.	Hearing on LEA Application	73
XV.	Annual Evaluation	75-80

**NOTE: In your State's submission statement, list only those items (above) which are still in effect in the State and are being incorporated by reference. Indicate the pages where these items can be found in your 1978 plan. See page __ of the BEH INSTRUCTIONS for further information. If you have not incorporated by reference your complete submission statement, please provide assurances for the following: 121a.137 (Procedures for Consultation), 121a.138 (Other Federal Programs). 121a.142 (Control of Funds and Property). 121a.143 (Records). 121a.145 (Prohibition of Commingling), and 121a.147 (State Advisory Panel).

B. Additional Requirements for FY 1979. Attached herewith are the additional procedures and other information necessary to meet the annual program plan requirements by this State for FY 1979.

C. Certifications. I certify (1) that this plan has been adopted by the State educational agency and is the basis for the operation and administration of the activities to be carried out in this State under Part B, and (2) that this State is meeting (will meet) all of the applicable requirements of Part B of the Education of the Handicapped Act, as amended by P.L. 94-142, and the regulations implementing the Act (45 CFR Part 121a).

October 27, 1978
DATE

Signature of Chief State School Officer or person authorized to submit this plan

David W. Hornbeck
State Superintendent of Schools

Date Received in Bureau

Typed Name and Title

CERTIFICATION OF STATE ATTORNEY GENERAL
OR OTHER APPROPRIATE STATE LEGAL OFFICER
(121a.112(5))

I hereby certify that:

1. The Maryland State Department of Education
Legal Name of State Education Agency

has authority under State law to submit this annual program plan under Part B of the Education of the Handicapped Act, as amended by P.L. 94-142, and to administer or supervise the administration of the plan; and

2. All plan provisions are consistent with State law.

10/27/78
Date

Malcolm R. Kitt
Signature

Malcolm R. Kitt
Assistant Attorney General

Typed Name and Title of State Legal Officer

MARYLAND
DEPARTMENT OF STATE PLANNING
301 WEST PRESTON STREET
BALTIMORE, MARYLAND 21201
TELEPHONE: 301-383-2451

MARVIN MANDEL
GOVERNOR

VLADIMIR A. WAHBE
SECRETARY OF STATE PLANNING

August 29, 1978

s. Linda J. Jacobs
ssistant State Superintendent
ivision of Special Education
epartment of Education
. O. Box 8717 - BWI Airport
altimore, Maryland 21240

UBJECT: PROJECT NOTIFICATION AND REVIEW

Applicant: Department of Education

Project: Amended Annual Program Plan - Education of the Handicapped FY 1979

State Clearinghouse Control Number: 79-7-87

State Clearinghouse Contact: James W. McConnaughhay (383-2467)

ear Ms. Jacobs:

n behalf of the Governor, the State Clearinghouse has reviewed the above an. As a result of the review, it has been determined that the plan is ot inconsistent with State plans, programs and objectives as of this date. omments received from the Department of Health & Mental Hygiene are attached for your consideration.

Sincerely,

Vladimir Wahbe

Encl.
cc: Lowell Frederick
Edward Pigo
Geraldine Aronin
Nadine Jones
Walter Scheiber
Thomas Schmidt

SW

Date: August 14, 1978

Maryland Department of State Planning
State Office Building
301 West Preston Street
Baltimore, Maryland 21201

SUBJECT: PROJECT SUMMARY NOTIFICATION REVIEW

Applicant: Department of Education

Project: Amended Annual Program Plan - Education of the Handicapped FY 1

State Clearinghouse Control Number: 79-7-87

CHECK ONE

This agency has reviewed the above project and has determined that:

1. The project is not inconsistent with this agency's plans, programs or objectives. ____

2. The project is not inconsistent with this agency's plans, programs or objectives, but the attached comments are submitted for consideration by the applicant. XX

3. Additional information is required before this agency can complete its review. Information desired is attached. ____

4. The project is not consistent with this agency's plans, programs or objectives for the reasons indicated on attachment. ____

Signature: Edward A. Pigo

Title: Edward A. Pigo, Director
Office of Planning

Agency: Dept. of Health and Mental Hygiene

The DHMH is in agreement with the amended plan if the change below is made:
On page 64, K--Reimbursement for Educational Programs of Students Residing in Public Institutions:

In (1) the level for reimbursement should be changed from Level V to Level VI according to the description of a Level VI program, as stated on page 84 of the Amended Annual Program Plan--Education of the Handicapped.

STATE OF MARYLAND
EXECUTIVE DEPARTMENT
ANNAPOLIS, MARYLAND 21404

MARVIN MANDEL
GOVERNOR

August 12, 1970

Mr. George P. Schultz, Director
Office of Management and Budget
Executive Office of the President
Washington, D. C. 20503

Dear Mr. Schultz:

In furtherance of the Bureau of the Budget Circular A-95, on August 26, 1969, I designated the Department of State Planning as the State Clearinghouse to review all federally aided plans and programs in Maryland and also to receive notification of all Federal grants made to jurisdictions of the State. I so informed Mr. Robert P. Mayo, former Director, Bureau of the Budget, see letter attached.

Procedures required by Paragraph 7, Part I, of the Bureau of the Budget Circular A-95 give the Governor the opportunity to comment on the relationship of certain State plans to comprehensive and other State plans and programs. This is to inform you that I have designated the Department of State Planning through its Secretary, Mr. Vladimir Wahbe, to act on my behalf to review and comment on these plans. Also Mr. Wahbe has the authority for the final review of the comments and recommendations of any and all regional or metropolitan Clearinghouses within the State and also the Maryland portions of the interstate Standard Metropolitan Statistical Areas.

It will be appreciated if you request those Federal agencies administering programs requiring review of State plans by the Governor be informed of my delegation of this authority to Mr. Vladimir Wahbe.

Sincerely,

Marvin Mandel
Governor

Attachment

cc Mr. Vladimir Wahbe

I. PUBLIC NOTICE AND OPPORTUNITY FOR COMMENT

The preparation of Maryland's 1979 Amended Annual Program Plan under Part B of the Education of the Handicapped Act as amended by Public Law 94-142 took place in several stages:

A. Written Comment. A notice was sent out on April 7, 1978 to all recipients of the 1978 Plan, including all consumer and advisory groups, all state agencies and LEAs, advising them of the initiation of work on the 1979 Amended Annual Program Plan and requesting input into this process.

B. Oral Discussion. In an attempt to secure futher input prior to the writing of the plan, discussions were held at the satellite advisory committee meetings during the month of April and May. These included: 1) consumer groups, 2) state-owned or operated schools, 3) teacher-related service, 4) institutions of higher learning, 5) nonpublic schools, and 6) local education agencies. In addition, further discussion and input was sought at each of the five regional meetings of local special education administrators.

C. Prior-Submission Notice. After the initial Plan was drawn up and distributed, the following notice was printed in the newspapers of the State:

PUBLIC ANNOUNCEMENT

FY'79 MARYLAND ANNUAL PROGRAM PLAN, EDUCATION OF THE HANDICAPPED ACT AS AMENDED BY PUBLIC LAW 94-142

The FY'79 Maryland Amended Annual Program Plan for the Education of the Handicapped Act as Amended by P.L. 94-142, is available for review and public comment prior to submission to the U. S. Office of Education. The Plan may be reviewed at the Division of State Documents, P.O. Box 802, Annapolis, Maryland 21404, (301) 269-2486; Public Repositories or the Maryland State Department of Education, Division of Special Education, International Tower Building, 857 Elkridge Landing Road, Linthicum Heights, Maryland 21090.

Written comment regarding the Plan will be accepted, responded to, and addressed in a supplement to the final Plan submitted to the U.S. Office of Education. Commentors are requested to address remarks to Dr. Anthony Kowalski, Chief, Federal Projects Branch, Maryland State Department of Education, Division of Special Education, P.O. Box 8717 - BWI Airport, Baltimore, Maryland 21240.

D. Public Hearings. The Maryland State Board of Education will conduct public hearings on the Amended Annual Program Plan at the September 27, 1978 Board meeting, with approval anticipated at the October 25, 1978 meeting.

E. Comments on Plan. A summary of all comments received on the Amended Annual Program Plan is included in Appendix L of the Plan, together with a description of modifications made as a result of the comments.

F. Postsubmission Notice. The following postsubmission notice will appear in all major newspapers of the State after approval of the 1979 Maryland Amended Annual Program Plan by the U.S. Office of Education.

POSTSUBMISSION
PUBLIC ANNOUNCEMENT

The Maryland State Department of Education, Division of Special Education makes public announcement that its Fiscal Year 1979 Maryland Amended Annual Program Plan Part B, Education of the Handicapped Act as amended by P.L. 94-142, has been approved by the United States Office of Education and is available for review. This review may be made at public repositories. Information on locating regional and local repositories may be obtained by calling the Maryland Register, State of Maryland, Division of State Documents, P.O. Box 802, Annapolis, Maryland 21404, 301-269-2486.

II. RIGHT TO EDUCATION POLICY STATEMENT

The Maryland State Department of Education insures the right to a free and appropriate public education for all handicapped children. The policy and procedures are found in the FY 1978 Maryland Amended Annual Program Plan, pages 4-9, and are herein incorporated by reference with the following emendations:

p. 4 Article 77, Section 59 should be Article 77A, Section 59 Scholarships for Preparation of Teachers of Persons with Impaired Hearing (Appendix A)

p. 4 Section 85A should be Section 85B (Appendix B)

In addition to these references Bylaw 13.04.01 was approved on April 26, 1978 and became effective May 19, 1978. In the Commitment Statement, (Appendix C) it mandates that "State and local educational agencies provide free and appropriate educational programs and related services for all handicapped children, from birth through the age of 20, who are found to be in need of special educational services. These appropriate services are to begin as soon as the child can benefit from them, provided services for children under the age of five shall be phased in as required by law." (13.04.01.01)

III. FULL EDUCATIONAL OPPORTUNITIES GOAL AND TIMELINES

The Maryland State Department of Education shall make free public special education and related services available to all handicapped students including those who are severely and profoundly handicapped.

A. Goal Statement

Full implementation of the full educational opportunities goal shall be accomplished by September 1, 1980 (FY 1981) in accordance with Article 77, Paragraph 106D of the Public School Laws of Maryland.

1. The LEA plans shall provide for the full implementation on an annual phase-in basis. (Bylaw 13.04.01.04)
2. The Maryland State Department of Education will monitor implementation of the goal through the local comprehensive plan for special education to be submitted yearly by the LEAs. (Bylaw 13.04.01.03).

B. Timetable

The detailed timetable for the accomplishment of the goal appears in Table 1 of the FY '78 Plan (p. 13) which is incorporated by reference in this Plan.

C. State Personnel Summary Sheet

The kind and number of personnel and services necessary throughout the State to meet the full educational opportunities goal appears in Table 2A-C of this section (pp. 9-11).

D. Data Requirements

Table 3, on page 12 contains the number of children served and services needed in priority areas for the 1977-78 school year.

E. The Maryland State Department of Education will implement the policies and procedures of this section in accordance with the full legal federal and state mandates. The Maryland State Department of Education will monitor activities to assure their implementation in accordance with the policies and procedures delineated in this document under Annual Evaluation (Part XV).

TABLE [illegible]. - STATE PERSONNEL SUMMARY OF ACTUAL NUMBER OF [illegible]SONNEL EMPLOYED DURING THE 1977-78 SCHOOL YEAR FOR SERVICES TO THE AGE 0-21 AGE HANDICAPPED POPULATION

(A)
MANDATED SCHOOL AGE IN THE S[illegible]TE OF Maryland - 6
FOR SCHOOL YEAR 1978-79

PERSONNEL	TOTAL (Sum of columns b-j) (a)	MENTALLY RETARDED (b)	HARD OF HEARING (c)	DEAF (d)	SPEECH IMPAIRED (e)	VISUALLY HANDICAPPED (f)	SERIOUSLY EMOTIONALLY DISTURBED (g)	ORTHOPEDICALLY IMPAIRED (h)	HEALTH IMPAIRED (i)	SPECIFIC LEARNING DISABILITIES (j)
1. Teachers of Special Classes	2,040.5	970.0	45.0	30.5	156.0	5.5	163.0	71.0	8.0	591.5
2. Resource Room Teachers	1,472.1	231.0	11.0	4.5	43.5	10.0	19.0	3.0	1.0	1,149.1
3. Itinerant/Consulting Teachers	139.0	6.2	25.8	-0-	45.7	26.0	.7	1.4	-0-	33.2
4. Psychologist	113.1									
5. School Social Workers	33.8									
6. Occupational Therapists	23.0									
7. Home-Hospital Teachers	189.2									
8. Speech Pathologists	581.3									
9. Audiologists	18.6									
10. Teacher Aides	1,446.2									
11. Vocational Education Teachers	144.5									
12. Work-Study Coordinators	43.5									
13. Physical Education Teachers	100.1									
14. Recreation Therapists	1.0									
15. Diagnostic Staff	101.9									
16. Supervisors	126.5									
17. Other Non-Instructional Staff	527.1									
18. TOTAL PERSONNEL	7,101.4									

-9-

Table [illegible]. - STATE PERSONNEL SUMMARY OF PROJECTED NUMBER OF PERSONNEL NEEDED TO MEET THE FULL EDUCATIONAL OPPORTUNITIES GOAL DURING THE 1977-78 SCHOOL YEAR FOR SERVICES TO THE 0-21 AGE HANDICAPPED POPULATION

(A)
MANDATED SCHOOL AGE IN THE STATE OF Maryland - 6
FOR SCHOOL YEAR 1978 79

PERSONNEL	TOTAL (Sum of columns b-j) (a)	MENTALLY RETARDED (b)	HARD OF HEARING (c)	DEAF (d)	SPEECH IMPAIRED (e)	VISUALLY HANDICAPPED (f)	SERIOUSLY EMOTIONALLY DISTURBED (g)	ORTHOPEDICALLY IMPAIRED (h)	HEALTH IMPAIRED (i)	SPECIFIC LEARNING DISABILITIES (j)
1. Teachers of Special Classes	2,146.5	1,056.	56.50	36.5	112.	9.5	155.	73.	10.	638.
2. Resource Room Teachers	1,493.1	161.	17.50	.5	40.50	27.	31.30	3.	1.	1,211.30
3. Itinerant/Consulting Teachers	151.	4.2	30.70	1.20	51.90	30.50	1.70	14.40	1.2	15.20
4. Psychologist	118.5									
5. School Social Workers	77.0									
6. Occupational Therapists	53.50									
7. Home-Hospital Teachers	164.10									
8. Speech Pathologists	591.50									
9. Audiologists	20.60									
10. Teacher Aides	1,419.70									
11. Vocational Education Teachers	151.50									
12. Work-Study Coordinators	57.50									
13. Physical Education Teachers	132.80									
14. Recreation Therapists	2.									
15. Diagnostic Staff	97.90									
16. Supervisors	173.55									
17. Other Non-Instructional Staff	399.80									
18 TOTAL PERSONNEL	7,221.65									

-10-

TABLE [illegible] - STATE PERSONNEL SUMMARY OF PROJECTED NUMBER OF PERSONNEL NEEDED TO MEET THE FULL EDUCATIONAL OPPORTUNITIES GOAL DURING THE 1978-79 SCHOOL YEAR FOR SERVICES TO THE 0-21 AGE HANDICAPPED POPULATION

(A)
MANDATED SCHOOL AGE IN THE STATE OF Maryland - 6
FOR SCHOOL YEAR 1978-79

PERSONNEL	TOTAL (Sum of columns b-i) (a)	MENTALLY RETARDED (b)	HARD OF HEARING (c)	DEAF (d)	SPEECH IMPAIRED (e)	VISUALLY HANDICAPPED (f)	SERIOUSLY EMOTIONALLY DISTURBED (g)	ORTHOPEDICALLY IMPAIRED (h)	HEALTH IMPAIRED (i)	SPECIFIC LEARNING DISABILITIES (j)
1. Teachers of Special Classes	2,338.20	1,150.	57.	37.50	110.30	9.50	172.30	74.8	10.	716.8
2. Resource Room Teachers	1,607.	172.2	19.0	.5	36.5	29.00	40.	5.	1.	1,297.8
3. Itinerant/Consulting Teachers	202.	9.60	34.20	3.20	61.30	32.00	4.10	8.30	10.20	39.10
4. Psychologist	138.2									
5. School Social Workers	91.40									
6. Occupational Therapists	58.80									
7. Home-Hospital Teachers	170.50									
8. Speech Pathologists	623.									
9. Audiologists	21.10									
10. Teacher Aides	1,691.70									
11. Vocational Education Teachers	177.									
12. Work-Study Coordinators	65.5									
13. Physical Education Teachers	109.90									
14. Recreation Therapists	3.00									
15. Diagnostic Staff	108.40									
16. Supervisors	177.80									
17. Other Non-Instructional Staff	416.10									
18. TOTAL PERSONNEL	8,002.60									

TABLE 3. – CHILDREN SERVED AND SERVICE NEEDS IN PRIORITY AREAS

STATE

DATE

1977-1978

HANDICAPPING CONDITIONS	RECEIVING AN EDUCATION WHICH MEETS ALL EDUCATIONAL NEEDS* (1)			1ST PRIORITY NOT RECEIVING AN EDUCATION (2)			2ND PRIORITY, SEVERELY HANDICAPPED BEING EDUCATED, BUT REQUIRING ADDITIONAL SPECIAL EDUCATION AND RELATED SERVICES (3)			(4)
	3 thru 5	6 thru 17	18 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 5	6 thru 17	18 thru 21	0 Thru 2
Mentally Retarded	109	9,804	3,561	0	0	0	36	1,589	526	
Hard of Hearing	14	716	78	0	0	0	6	147	19	
Deaf	39	748	142	0	0	0	7	89	9	
Speech Impaired	225	29,355	950	0	0	0	129	7,913	167	
Visually Handicapped	24	467	94	0	0	0	5	227	72	
Seriously Emotionally Disturbed	60	2,823	425	0	0	0	6	449	39	
Orthopedically Impaired	69	740	156	0	0	0	28	336	66	
Health Impaired	15	1,659	661	0	0	0	8	46	9	
Specific Learning Disabilities	96	31,902	2,050	0	0	0	15	4,855	261	
TOTAL	651	78,214	8,117	0	0	0	240	15,651	1,168	250

*(1) - Include only handicapped children who are having all of their educational needs met.

*(3) - Include those handicapped children who are not having all of their educational needs met.

IV. POLICY ON PRIORITIES

A. General Requirements

The information on priorities is incorporated by references in the 1978 Plan (p. 23-24). Basically, all handicapped children, ages 5-20 are to have available a free appropriate public education by September 1, 1975 in accordance with the MARC Decree. All handicapped children, birth through age 20 shall have available a free appropriate public education by September 1, 1980 in accordance with Board Resolution No. 1977-51 (Appendix D) and Maryland law, Article 77, Section 106D.

B. Programs, Services and Activities

1. An extensive Child Find process is operative statewide (see Section V), as well as a Comprehensive System of Personnel Development (see Section X). The following programs are in operation for first priority youngsters as a result of Part B funding: Child Find (six LEAs), programs for emotionally handicapped at hospital cites (three LEAs), pre-school programs (nine LEAs), instructional programs for language impaired (one LEA), institutional programs for severely and profoundly handicapped (one LEA), and a secondary education program (one LEA). The distribution of funds encumbered directly to these programs in FY'78 is as follows:

Federal	State	LEA	Total
$1,785,915	-	$448,314.25	$2,234,229.25

2. Programs for second priority children from Part B funding include the following: auditory (one LEA), diagnostic/prescriptive services (two LEAs), programs for emotionally handicapped (three LEAs), evaluative (one LEA), inservice training (two LEAs), programs for severely emotionally disturbed (one LEA), programs for the language impaired (five

LEAs), the learning disabled (one LEA), the mentally retarded (one LEA), nonpublic placement (one LEA), orthopedically handicapped (two LEAs), psychological assessment (one LEA), physical therapy (three LEAs), resource room assistance (five LEAs), secondary education (one LEA), severely/profoundly handicapped (one LEA), speech therapy (three LEAs), summer school (one LEA), support services (one LEA), vocational education (two LEAs). The funds committed to these activities in FY'78 are as follows:

Federal	State	LEA	Total
$2,637,657	$30,000	$895,407.95	$3,563,064.95

3. For FY'79, most of the designated programs will be continued and expanded. The Local Plan and Application Process (Appendix I) will be an attempt to cover all first and second priority needs in the state before allocating funds elsewhere. These applications are due June 1, 1978. In addition to covering first and second priorities, the funds are expected to be applied extensively to: (1) pre-school programs, (2) related services, particularly for SPH, and (3) secondary programs.

V. CHILD IDENTIFICATION

A. Policies and Procedures in the Maryland State Department of Education's 1978 plan are incorporated by reference.

The one addition is that Head Start Programs be added to B.2. (p. 28).

B. Activities 1977-78

During the current school year, the Maryland State Department of Education received and approved Child Find plans submitted according to established Criteria and Guidelines (Appendix E) by each of the State's 24 local education agencies (LEAs).

1. Awareness Campaign

Guidelines for awareness-information campaigns were distributed to 24 LEAs for the conduct of their respective campaigns by the Maryland State Department of Education. The use of publicity packets resulted in regional coverage around the State. A major metropolitan newspaper gave statewide coverage to a feature story on Child Find by the Assistant State Superintendent for Special Education. A news conference by the Maryland State Department of Education's State Superintendent resulted in radio and television spots across the state and in selected television appearances.

A 30-second television spot on Child Find has been aired twice-a-day, seven days-a-week as a public service announcement over the state's major television station since December, 1977. Three additional television spots as well as radio spots are scheduled for production through the summer and fall of 1978.

2. Maryland State Department of Education Coordination

a. Interagency liaison with the Departments of Health and Mental Hygiene and Human Resources has been established.

b. Collaborative efforts have been undertaken with other agencies such as Head Start. A network of contacts has been redistributed to all LEA Child Find Coordinators.

c. Coordination activities include the following:
Other divisions within the MSDE, with a logical interface with Child Find, have been contacted with liaison established in external outreach activities.

d. All LEA Child Find Coordinators received a Maryland State Department of Education-designed data collection instrument for reporting referrals and placements. Subsequently, data has been submitted to this SEA on a quarterly basis, citing population by age, disability and awareness techniques used. This instrument has served as an initial monitoring device of LEA activity.

3. Dissemination Activities

Approximately 200,000 Child Find leaflets were printed for wide distribution throughout the State. A mass mailing of over 30,000 pieces went from the Maryland State Department of Education to all social workers, speech pathologists and audiologists, physical and occupational therapists and licensed physicans in the State. Bulk mailings were made to parent interest groups, service and community organizations. Leaflets in a supply of 6,000 per LEA were distributed for use in all 24 LEAs.

A major news release with interim statistical data on the State's

Child Find program was sent to all newspaper dailies and weeklies, the State's Congressional Delegation and PTA groups statewide.

C. Activities 1978-79

In the next school year, the Maryland State Department of Education will continue to coordinate Child Find programs in the State by routine contact with Coordinators in the 24 LEAs.

Awareness activities at the State level will be expanded to include the use of paid radio and television information spots, the completion and utilization of an informational film to heighten awareness of Child Find among professional, parent and service organizations.

A Child Find brochure will be developed for wide distribution and parent groups will be utilized as the primary vehicle for such distribution.

Germane news stories will be released to the press on statewide Child Find activities. Participation on television and radio talk shows will be scheduled. Broad distribution will be made of Child Find posters for use in well-trafficked locations and transit placards will be designed for use on public transportation.

Statewide Child Find meetings to encourage a pooling of ideas and resources will be scheduled for LEA Coordinators on a quarterly Basis. Training materials will be suggested and/or developed as needed for LEA use.

A statewide newsletter to LEA Child Find Coordinators, Head Start Directors and interagency personnel will supplement quarterly meetings. Monitoring and evaluation procedures will be fully described under Annual Evaluation (Section XV).

VI. INDIVIDUALIZED EDUCATION PROGRAM

A. Statute Policy,or Standards

Bylaw 13.04.01, Programs for Handicapped Children, (Appendix C) will serve to strengthen a number of areas concerning the IEP covered in the 1978 Amended Annual Program Plan. The specific areas within the 1978 APP which are reiterated in Bylaw 13.04.01 are as follows:

IEP

1978 APP Reference	Bylaw 13.04.01 Reference
A.1 (p. 33)	13.04.01.09 (7) a,b,c
A.2 (p. 33)	13.04.01.06D(2)
A.3 (p. 33)	13.04.01.06D(4)f
A.4 (p. 34)	13.04.01.06D(7) a,b,c
A.5 (p. 35)	13.04.01.06D(3)
B.1,2,3,4,5 (p. 35)	13.04.01.06D(2)
I.1,2,3 (p. 37)	13.04.01.06D(1)
I.4(a) (p. 37)	13.04.01.06D(4)c
I.4(b) (p. 37)	13.04.01.06D(1)
I.5 (p. 37)	13.04.01.06D(4)d
I.6 (p. 37)	13.04.01.06D(4)c
I.9 (p. 37)	13.04.01.06D(4)c

It should be noted that Bylaw 13.04.01 goes beyond the requirements of PL 94-142 in four significant areas. These areas are as follows:

Bylaw Reference		Provision
13.04.01.06D(3)	-	The IEP must be signed by parents.
13.04.01.06D(5)	-	The ARD Committee shall review the IEP within 60 school days after initial placement.
13.04.01.06D(6)	-	If the IEP is revised significantly after the 60 day review parental consent shall be secured.

Bylaw Reference	Provision
13.04.01.06D(7)c	A written summary of the annual review of the IEP shall be made available to the parents within 10 school days after the review is completed.

In order to update the 1978 APP the following changes should be made:

1978 APP Reference	Modification
I.7 (p. 37)	Delete
K.1 (p. 39)	Delete
K (p. 38)	"existing State Bylaw" to "newly adopted State Bylaw" ("Appendix D") 1978 APP to ("Appendix C") 1979 APP

With the exception of the changes enumerated above, Section VI-Individualized Education Program from the 1978 APP (pp.33-39) shall be incorporated by reference.

B. New Requirements

New provisions of the Part B Regulations are satisfied through the following:

1. The responsibility for "Other Agencies and Organizations" in complying with all provisions of State and Federal requirements including the maintenance of records of the IEP are delineated in Bylaw 13.04.01.03G (Appendix C).
2. Monitoring and Evaluation of the IEP provision as specified in State and Federal legislation is required in Bylaw 13.04.01.03E. MSDE has monitoring and evaluation site visits in the 24 local school systems during the 1977-78 school year. This includes a random sampling of IEPs and student records in each system. The monitoring and evaluation forms and procedures are included in Appendix F.

VII. PROCEDURAL SAFEGUARDS

A. Procedures in FY 1978 Plan

Policies and procedures regarding Procedural Safeguards are incorporated by reference from pp. 41-45 in the FY 1978 Amended Annual Program Plan. Maryland Bylaw 13.04.01 (Appendix C) addresses individual issues outlined in Part B below.

In addition, definitive and specific rules and regulations relative to surrogate parents have been developed and will be implemented throughout the State effective September 1, 1978 (Appendix G).

B. New Requirements

The following new requirements are met in Bylaw 13.04.01:

Requirement	Bylaw Reference Abstract
1. Independent educational evaluation (121a.503)	Parents of handicapped children shall be afforded the right to obtain an independent evaluation of the child at public expense. Whenever an independent evaluation is obtained, the criteria under which the evaluation is obtained shall include the location of the evaluation and the qualifications of the examiner and shall be the same as the criteria which public agencies use when evaluations are initiated by the agency.
2. Parental consent (121.a504(b)	Parental consent shall be obtained before conducting a pre-placement evaluation and initial placement of all handicapped children.

3. Procedures where parents refuse (new) (121a.504(c)

When parents refuse to consent before a handicapped child is evaluated or initially provided special education or related services, the LEA shall use the hearing procedures in determining if the child may be evaluated or initially provided special education or related services without parental consent

4. Informing parents of free, low-cost legal services (121a.506(c)

Parents shall be provided, upon request, information where independent, free, low-cost legal services may be obtained.

5. Listing of hearing officers (new) (121a.507(c)

All persons who qualify to conduct hearings shall be listed on a roster maintained and monitored by the Maryland State Board of Education and shall include the qualifications of each hearing officer.

6. Prohibiting new information (new) 121a.508(a)(3)

Procedural safeguards shall prohibit the introduction of any evidence at the hearing that has not been disclosed, in writing or electronic verbatim recording, to both parties at least five (5) days before the hearing. Additionally, parents involved

in the hearings shall be afforded the right to have the child who is subject to the hearing present, shall be afforded the opportunity of an open hearing and may have the child present.

8. Hearing decision (new) Appeal (121a.509)

The decision of the hearing officer or panel shall be implemented as soon as possible, but in no event sooner than fourteen (14) school days nor later than thirty (30) days after the decision.

9. Duties of the review officer (121a.510(b)

10. Decision final unless civil action (121a.510(c)

In addition to the cited reference, hearing officers shall make independent decisions strictly on completion of the review and shall provide written findings and decisions to the parties involved. The decision by this body is final unless a party brings a civil action.

11. Timeline and conveniences of the hearing reviews (121a.512)

All hearings and reviews involved in oral arguments shall be conducted at a time and place which is reasonably convenient to the parent and child involved.

12. Implementation procedure (121a.136)

The Maryland State Department of Education, Division of Special Education, shall effectively implement the procedural safeguards for the handicapped children served within the State of Maryland.

VIII. LEAST RESTRICTIVE ENVIRONMENT

A. The procedures in the Maryland State Department of Education's 1978 plan, specified as "a continuum of alternative placements" have been changed in Bylaw 13.04.01 to "levels of educational service" for handicapped children. (Appendix C)

1. Within the 1979 plan, these levels of service, described briefly, are as follows:

   a. Level I - the handicapped child who may be appropriately served in the general education program receiving supplementary services.

   b. Level II - the handicapped child who may be appropriately served by receiving service through the special education program not to exceed an average of one hour per day. Services may be provided on an intermittent or continuous basis.

   c. Level III - the handicapped child who may be appropriately served by receiving special educational services on a regular basis not to exceed three hours per day. In addition, resource assistance would be provided to the regular class teacher in order to enhance the child's achievement.

   d. Level IV - the handicapped child who may be appropriately served by receiving special educational services up to six hours per day. Special education is provided by a special education teacher in a special class within a general education facility and related services, as described in the Individual Education Plan.

   e. Level V - the handicapped child who requires a comprehensive special education setting for his entire school day in a special

wing or day school services are provided in a comprehensive special education setting which includes special equipment and related services.

f. Level VI - The handicapped child who requires 24 hour special education programming and personal care. This level is designed to provide instruction, treatment or both, on a short or long-term basis in a residential setting with all necessary services and equipment.

2. Other Program Provisions

a. Home and hospital instruction - Short-term itinerant instructional services are provided to students with physical disabilities or in emotional crisis.

b. Early childhood programs - A program of educational intervention is provided directly to the handicapped child from birth through four years old, to the parent, or both. Such intervention can take place at any level.

3. Other policies are incorporated by reference in the FY 1978 Plan on p. 47-48.

B. Data Requirements

Table 4 on p. 25 contains data on least restrictive environment for the 1977-78 school year.

TABLE 4 – LEAST RESTRICTIVE ENVIRONMENT

(Placement and number of handicapped children served under P.L. 94-142 – 1977-1978*)

STATE | DATE

DISABILITY	REGULAR CLASS (a)													SEPARATE CLASS (a)								
	REGULAR CLASS WITH INDIRECT SERVICES WITHIN REGULAR CLASS (1)			REGULAR CLASS WITH DIRECT SERVICES AND INSTRUCTION WITHIN REGULAR CLASS (2)			REGULAR CLASS WITH RESOURCE ROOM SERVICES (3)			TOTAL RECEIVING SPECIAL EDUCATION IN REGULAR CLASS (4)			TOTAL NEEDING PLACEMENT IN REGULAR CLASS (5)	SELF CONTAINED SPECIAL CLASSROOM WITH PART-TIME INSTRUCTION IN A REGULAR CLASS (6)			SELF CONTAINED SPECIAL CLASS FULL TIME ON A REGULAR SCHOOL CAMPUS (7)			SELF CONTAINED SPECIAL CLASS IN A SPECIAL PUBLIC DAY SCHOOL FACILITY (8)		
	3 thru 5	6 thru 17	18 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 5	6 thru 17	18 thru 21
Mental Retardation	2	138	42	4	207	24	1	2653	594	7	2998	660	151	13	4763	1323	N/A	N/A	N/A	78	3217	1998
Hard of Hearing	2	62	1	6	471	58	0	106	20	8	639	79	8	6	164	14	N/A	N/A	N/A	5	50	4
Deaf	0	20	0	1	88	13	3	57	3	4	165	16	18	23	219	11	N/A	N/A	N/A	13	447	124
Speech Impaired	19	2152	74	122	23520	159	19	7875	491	160	33547	724	2078	82	3015	371	N/A	N/A	N/A	61	683	21
Visually Handicapped	0	14	2	9	295	54	0	111	7	9	420	63	14	1	16	2	N/A	N/A	N/A	13	93	28
Seriously Emotionally Disturbed	0	74	5	0	43	2	1	770	80	1	887	87	41	3	497	78	N/A	N/A	N/A	6	1087	135
Orthopedically Impaired	4	6	0	3	39	4	2	54	7	9	99	11	7	5	87	16	N/A	N/A	N/A	28	484	92
Health Impaired	4	10	0	0	31	0	0	118	7	4	159	7	12	0	11	4	N/A	N/A	N/A	2	23	2
Specific Learning Disability	3	1625	97	0	478	5	17	28370	1372	20	30473	1474	875	14	5345	794	N/A	N/A	N/A	12	730	34
TOTAL	34	4101	221	145	25172	319	43	40114	2581	222	69387	3121	3204	147	14117	2613	N/A	N/A	N/A	218	6814	2438

NOTE: Data reported in columns (1), (2), (3), and (4), concerning needed services will be translated into facility projections by the U.S. Office of Education

*Placement refers to the primary placement of the handicapped child as determined by the Individualized Education Program.

TABLE 4 – LEAST RESTRICTIVE ENVIRONMENT *(Continued)*

DISABILITY	TOTAL RECEIVING SPECIAL EDUCATION IN SEPARATE CLASS (9)			TOTAL NEEDING PLACEMENT IN SEPARATE CLASS (10)	SEPARATE SCHOOL FACILITY (a)												TOTAL RECEIVING SPECIAL EDUCATION IN SEPARATE SCHOOL FACILITIES (11)			TOTAL NEEDING PLACEMENT IN SEPARATE SCHOOL FACILITIES (15)	OTHER EDUCATIONAL ENVIRONMENTS (b)						TOTAL RECEIVING SPECIAL EDUCATION IN OTHER EDUCATIONAL ENVIRONMENTS (18)			TOTAL NEEDING PLACEMENT IN OTHER EDUCATIONAL ENVIRONMENTS (19)
					SELF CONTAINED SPECIAL CLASS IN PRIVATE DAY SCHOOL FACILITY (11)			PUBLIC RESIDENTIAL SCHOOL FACILITY (12)			PRIVATE RESIDENTIAL SCHOOL FACILITY (13)											HOSPITAL PROGRAMS (16)			HOMEBOUND (17)							
	3 thru 5	6 thru 17	18 thru 21	3 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 21	6 thru 17	18 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 5	6 thru 17	18 thru 21	3 thru 21
Mental Retardation	91	7980	3321	225	30	251	68	1	19	11	0	114	24	31	384	103	2	N/A	N/A	N/A	16	31	3	16	31	3	0				
Hard of Hearing	11	214	18	8	0	9	0	0	0	0	0	0	0	0	9	0	0	N/A	N/A	N/A	1	1	0	1	1	0	0				
Deaf	36	666	135	23	0	1	0	0	0	0	0	3	0	0	4	0	0	N/A	N/A	N/A	6	2	0	6	2	0	0				
Speech Impaired	143	3698	392	85	6	10	0	0	0	1	0	0	0	6	10	1	0	N/A	N/A	N/A	45	13	0	45	13	0	2				
Visually Handicapped	14	109	30	7	0	0	0	1	161	73	0	0	0	1	161	73	2	N/A	N/A	N/A	5	4	0	5	4	0	0				
Seriously Emotionally Disturbed	9	1584	213	52	55	171	18	0	73	15	1	274	51	56	518	84	1	N/A	N/A	N/A	0	283	80	0	283	80	1				
Orthopedically Impaired	33	571	108	5	33	27	3	0	2	0	0	5	0	33	34	3	1	N/A	N/A	N/A	22	372	100	22	372	100	1				
Health Impaired	2	34	6	6	0	0	0	0	1	0	0	0	0	0	1	0	0	N/A	N/A	N/A	17	1511	657	17	1511	657	2				
Specific Learning Disability	26	6075	828	433	61	182	3	0	2	0	0	21	3	61	205	6	1	N/A	N/A	N/A	4	4	3	4	4	3	1				
TOTAL	365		5051	844	185	651	92	2	258	100	1	417	78	188	1326	270	7	N/A	N/A	N/A	116	2221	843	116	2221	843	7				

20931

IX. PROTECTION IN EVALUATION PROCEDURES

A. Procedures in FY 1978 Plan

The policies and procedures ensuring protection of handicapped children relative to testing and selection of evaluative materials for the purpose of evaluation and placement are incorporated by reference on pp. 53-55 of the FY 1978 Maryland Amended Annual Program Plan.

B. New Requirements

In addition to the above, new procedures shall be as follows:

1. Multi-disciplinary team (121a.532 (e)

and

2. Assessment in all areas of suspected disability (121a.532 (f)

The evaluation of all data will be made by a multi-disciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of suspected disability. The assessment in the area of suspected disability shall include, but shall not be limited to, health, vision, hearing, social and emotional status, general intelligence, academic performance, community status and motor abilities.

3. Information and documentation (121a.533 (a)(1) and (2)

4. Placement decision (121a.433 (a)(4)

5. IEP development (121a.533 (b)

Placement decision and IEP development shall be made in conformity with the least restrictive environment. After determination has been made that the child is handicapped in need of special

education and related services, an IEP shall be developed. All information obtained shall be carefully considered so as to ensure that placement decisions are made by a group of persons knowledgeable of the child, the evaluation data and placement options.

X. COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT

A. Programs and Procedures

1. Scope of System

The Maryland State Department of Education has developed and implemented a comprehensive system for personnel development, the focus of which has been the provision of inservice training for general education staff, special educators, ancillary personnel, paraprofessionals, related service staff, and parents. The procedures employed to assist in its development included the following:

a. The implementation of a survey of all existing training programs statewide, including those programs maintained by local education agencies and the institutions of higher education.

b. The initiation of an appropriate structure for sharing information regarding both preservice and inservice training at all levels, including procedures for modification, evaluation, and monitoring.

c. The development of a vehicle for use by local education agencies in requesting and obtaining inservice training through the comprehensive system.

2. Participation of Other Agencies and Institutions

In accordance with procedures established in FY '78, representatives from the IHEs, the LEAs, advocacy groups, consumers and other agencies, as appropriate were convened to elicit input

regarding their perceptions of statewide priority training needs. The results from these input sessions were analyzed and compiled into the ten priority training areas as identified in the CSPD. These ten areas as described on p. 203 of the 1978 Maryland Amended Annual Program Plan, became the established goals for the SEA's personnel development plan. During FY '78, direct service agencies could request assistance from the SEA in the planning, development and implementation of training efforts within these ten priority areas. Likewise direct service agencies could utilize the suggested strategies for delivery of training as their own vehicles for making training available through their individual personnel development plans. In addition SEA personnel met on an individual basis with LEA administrative and supervisory staff to discuss the feasibility of utilizing the comprehensive system so as to reflect the unique needs existing within each LEA. These informal cooperative planning sessions provided opportunity to expand the alternative strategies available to deliver training in order to individualize inservice. Additional meetings were held with a representative sampling of the IHEs to assist them in developing and expanding those components of the comprehensive system which they felt they had the capacity to deliver both efficiently and cost-effectively.

Cooperative planning has been implemented between the SEA and the state institutions for the provision of a large-scale summer training effort directed at both institutional staff and teaching personnel from the surrounding local education agencies for the preparation of personnel to work with the severely multiply handicapped.

3. Inservice Training

In accordance with the ten priority training areas identified for FY'78, the MSDE has made available, on a statewide basis, workshops, mini-courses, one-day seminars, and conferences developed cooperatively between the SEA and the requesting agency. In addition, it was determined that several major statewide training efforts which had not been originally devised, were needed, especially in consideration of the adoption of Bylaw 13.04.01. Therefore, through the resources of the comprehensive system, a series of four service-level seminars were implemented, the focus of which was to ultimately develop a set of guidelines for use by LEAs in considering placement for children at the varying levels of services identified by the Bylaw.

It also became apparent that the SEA and the LEAs needed assistance in the preparation of impartial hearing officers (IHOs) for the purpose of adjudicating appropriate educational decisions when conflicts arose. Therefore, a three-day statewide training seminar was developed and implemented in an effort to assure that all personnel employed by either the SEA or the LEAs as IHOs would have a thorough working knowledge of relevant legal issues while at the same time understand their responsiblity to utilize their best educational judgement in making determinations regarding the educational programming and placement of children. IHO Training Manuals were developed and used for this purpose.

Working cooperatively with the Council of Physical Educators, personnel assigned to the comprehensive system assisted in the development and implementation of five regionalized physical education/special education conferences, the intent of which was to increase the awareness of both disciplines toward the requirements under P.L. 94-142, and to make recommendations to insure joint responsibility for the provision of full educational services to handicapped children throughout the State of Maryland.

A final innovative thrust which the comprehensive system provided as a component of its inservice training activities was the utilization of graduate interns on a full-time basis to assist one of Maryland's western-most counties in providing inservice training to both general and special education staff during the course of the school day, as a broad-based practicum approach to the upgrading of teacher competencies.

In a major effort to assure that inservice training activities continue to meet the needs of personnel throughout the State, a statewide needs assessment questionnaire has been developed and disseminated to all special education teachers and aides, and 10% of the total general education population within Maryland. Teacher responses to this Needs Assessment questionnaire will be carefully analyzed and become additional significant data for use in modifying and expanding the types and kinds of inservice training offered through the comprehensive system. In addition

the results of this assessment will be disseminated to the institutions of higher education and the local education agencies to assist them in refining their training efforts.

An analysis of Tables 5A and 5B will provide information, from the local administrative point of view, regarding areas of training needs and numbers and types of persons needing inservice training.

With the final evaluation of each of these efforts, the personnel assigned to the comprehensive system will make recommendations regarding the modification and/or expansion of these types of additional inservice efforts.

4. Personnel Development Plan

As the SEA's major component of the comprehensive system, a personnel development plan has been initiated. The major effort has been the provision of inservice training in competencies needed by general and special education staff, including administrative and supervisory personnel, as well as related service support staff. In addition, the plan includes a viable system for delivering training. This has required both coordination by the SEA and utilization of input from the institutions of higher education, the local education agencies, and other state and local agencies, as appropriate. The personnel development plan, then, includes the following: (1) the input from representatives of appropriate agencies; (2) a detailing of population for whom training is available; (3) a description of available training, disseminated on a statewide basis, (4) a design for delivery of training, and (5) a design for the evaluation of the personnel development plan.

5. Dissemination

The CPSD Manual for Training, developed in FY '78, has been widely disseminated. One component of the CSPD Manual which has been developed and expanded is Section V, "Resources." It is through the Resource Section of the manual that information regarding Special Education programs, projects and products is disseminated. With the assistance of Division of Special Education personnel, a system has been developed and implemented for collecting and cataloging the above information. Additionally, an evaluation format for material utilization has been designed, and the Division has begun the collection of instructional materials they may wish to purchase.

Also included as update information in the CSPD is a listing of instructional materials available commercially. While not an exhaustive listing, it is a representative sampling of materials that are either widely used or may have potential usefulness in instructional programs.

It is planned that additions will be made periodically to this section of the manual in an effort to constantly increase its scope. As material is added, it is disseminated to local eudcation agency personnel, appropriate SEA staff, all state institutions of higher education, advocacy groups, and other state agencies, as appropriate.

6. Adoption of Education Practices

The Resource Section of the CSPD manual has become the statewide system through which information regarding effective educational practices and materials is disseminated. As an additional support system, the Maryland Facilitator's Project has been and will continue to be utilized for input into the system regarding available instructional

materials and programs. Reassessment of educational practices is assured through the SEAs Evaluation and Monitoring procedure, and the results of these site visits will be utilized to make further determination regarding the kinds of inservice activities to be provided on a priority basis to each LEA. Additionally, other available resources including personnel are identified. It is intended that the CSPD, Resource Section, will include listings referred to as "Resource Books," which will identify among other personnel, a listing of MSDE - certificated Impartial Hearing Officers, and physical and occupational therapists who would be available on either a part-time or consultation basis.

7. Evaluation

An evaluation checklist was developed to be utilized by all agencies requesting training in an effort to evaluate the efficiency of implementation or delivery of training. The results were utilized to modify the process whereby training is requested and implemented. Additional evaluation is continuously implemented, developed jointly by SEA personnel and personnel delivery training as a means of collecting data for use in determining the effectiveness of individual training efforts. The results of both evaluation systems have been used in determining modifications of the personnel development plan and its delivery system.

An additional monitoring process has been developed and implemented for making determinations regarding the implementation of the comprehensive system as a whole. Review teams have been assigned to implement this monitoring, and the administration of the CSPD has been modified accordingly. Additionally, yearly revisions of the process will continue to take place, contingent upon cogent input from appropriate sources and also predicated upon the changing needs of the population to be trained.

8. Technical Assistance to Local Education Agencies

In accordance with stated procedures, the SEA has designed and disseminated a technical assistance system to complement the LEAs in using the personnel development plans, and has assisted LEAs in individualizing this system for its recipients. Timeframes for the delivery of technical assistance have been established, including the requirement of six weeks notice before any technical assistance, other than "on call" services, are provided. Technical assistance will continue to be provided and will include expanded efforts to develop packaged training modules for certain training areas that continue to be requested.

The following examples are indicative of the variety of training efforts which were undertaken during this past year: provision of Maryland State Bylaw Seminars, provided by the Assistant State Superintendent for Special Education for parents, advocates and all interested parties, and the provision of Bylaw Seminars concerned with the Levels of Service component of the Bylaw for Local Education Agency staff; the development and implementation of training to provide state approved impartial hearing officers; the training of transportation personnel with regard to medical and behavioral considerations in transporting the handicapped; and individual training efforts within local school systems regarding the development and implementation of IEPs for handicapped children in both regular and special classes.

B. Data Requirements

Revised Tables 5A and 5B regarding personnel receiving and needing in-service training may be found on pp. 36-37.

Indicate number of personnel needing inservice training between July 1, 1978 and June 30, 1979

TABLE 5A- INSERVICE TRAINING FORM (1978-79 school year)

AREA OF TRAINING	NUMBER AND TYPES OF PERSONS TO RECEIVE INSERVICE TRAINING																					
	Regular Class Teachers	Special Class Teachers	Resource Room Teachers	Itinerant/Consulting Teachers	Home Hospital Teachers	Physical Educators	Vocational Educators	Teacher Aides	Work Study Coordinators	Recreational Therapists	Occupational Therapists	Speech Pathologists	Audiologists	Psychometrists/Educat. Diagnosticians	Psychologists	School Social Workers	Parents of Handicapped Children	Surrogates	Volunteers	Hearing Officers	Supervisors	Administrators	Other Non-Instructional Staff
Diagnostic Procedures	16150	1827	1720	644	316	730	1265	632	70	0	17	400	13	40	158	98	6442	3005	230	69	350	1179	29
Instructional Procedures	2209	2034	1674	665	353	704	1169	826	123	0	12	625	16	40	133	100	6847	3004	387	20	353	1179	27
Implementation of P.L. 94-142	18232	1665	1376	649	346	440	1255	1563	118	0	11	210	14	27	135	107	6712	3000	321	17	446	1335	72
-Individual Education Programs	15569	2075	1782	672	358	662	1183	790	124	0	14	524	17	46	179	130	8537	3004	360	22	394	1287	26
-Least Restrictive Environment	18969	1889	1491	661	351	391	1163	687	70	0	13	342	14	40	116	112	8567	3004	319	22	438	1385	26
-Procedural Safeguards	18509	1817	1668	668	346	389	1173	582	123	0	12	342	14	40	144	111	8537	3004	248	22	440	1405	61
-Use of Surrogates	11129	1215	1060	597	303	159	1085	269	114	0	9	209	10	27	131	107	6247	30	120	22	365	1238	26
-Priorities - Served - Unserved	12854	1371	1309	625	303	319	1091	383	62	0	11	227	12	35	137	109	8312	3000	150	22	400	1305	26
-Non-Discriminatory Testing	16155	1750	1590	643	315	595	1086	539	112	0	13	313	12	40	138	107	8087	3004	120	22	435	1330	26
Parenting Technique	365	10	46	2	30	4	10	26	2	0	1	4	1	1	1	0	672	0	100	0	10	20	15
Behavioral Objectives	365	10	46	2	30	4	10	26	2	0	1	4	1	1	1	0	672	0	100	0	20	20	15
Character. of Handic.	115	26	41	3	5	12	15	15	1	0	1	10	1	0	5	1	200	0	20	2	10	50	0
Classroom Management	115	26	41	3	0	12	15	15	1	0	1	10	1	3	5	1	200	0	20	0	0	50	0
Music Ther. for Handi.	200	10	10	1	0	10	20	100	0	0	0	2	1	0	1	1	300	0	20	0	10	25	0
Implic. of Work w Han.	400	14	10	5	0	30	60	10	0	0	0	8	1	0	3	5	400	0	20	0	10	25	0
Developm. Lang. Methd.	600	25	24	5	0	30	20	130	0	0	0	8	1	0	3	5	1000	0	200	0	10	25	0
Keyboard for OH & SPH	200	20	10	3	0	37	20	40	0	0	0	3	1	0	3	5	200	0	10	0	8	20	0
Special Serv. Proced.	800	25	24	5	0	37	60	130	0	0	0	8	1	0	3	5	1000	0	300	0	20	42	0
State Bylaw	0	199	137	4	6	231	0	98	53	0	0	68	0	12	18	30	0	0	0	0	3	111	0

Indicate number of personnel projected to receive inservice training between July 1, 1978 and June 30, 1979.

TABLE 5B- INSERVICE TRAINING FORM (1978-79 school year)

AREA OF TRAINING	NUMBER AND TYPES OF PERSONS TO RECEIVE INSERVICE TRAINING																					
	Regular Class Teachers	Special Class Teachers	Resource Room Teachers	Itinerant/Consulting Teachers	Home Hospital Teachers	Physical Educators	Vocational Educators	Teacher Aides	Work Study Coordinators	Recreational Therapists	Occupational Therapists	Speech Pathologists	Audiologists	Psychometrists/Educat. Diagnosticians	Psychologists	School Social Workers	Parents of Handicapped Children	Surrogates	Volunteers	Hearing Officers	Supervisors	Administrators	Other Non-Instructional Staff
Diagnostic Procedures	8034	947	1143	326	182	309	659	241	62	2	20	407	16	40	128	98	2547	1505	210	19	336	550	25
Instructional Procedures	11729	1419	1107	347	183	384	738	609	66	0	13	438	18	40	103	101	3322	1544	222	17	343	733	57
Implementation of P.L. 94-142	11599	910	839	336	176	213	667	885	37	0	14	296	16	27	101	106	4242	1500	167	15	477	907	40
-Individual Education Programs	8896	1382	1121	349	188	247	708	572	73	0	17	525	19	46	148	122	6072	1504	177	20	415	868	54
-Least Restrictive Environment	11148	1141	1032	349	181	219	678	465	72	0	14	264	16	40	113	111	6072	1504	177	20	464	959	22
-Procedural Safeguards	10688	1156	1061	334	182	225	698	469	66	0	13	337	16	40	107	111	6072	1504	172	20	466	979	57
-Use of Surrogates	5151	700	579	300	159	62	526	131	27	0	10	104	8	23	92	98	4037	1507	22	20	386	784	22
-Priorities - Served - Unserved	5679	765	717	310	159	106	555	207	29	0	11	202	14	32	101	108	4002	1500	157	20	421	852	22
-Non-Discriminatory Testing	10215	949	1005	332	186	148	584	430	71	0	14	312	14	40	108	108	5925	1504	167	20	466	924	22
Parenting Technique	301	10	46	2	30	4	10	26	2	0	1	4	1	1	1	0	122	0	100	4	20	20	15
Behavioral Objectives	350	10	46	2	30	4	10	26	2	0	1	4	1	1	1	0	122	0	100	4	20	20	15
Character. of Handic.	200	26	41	3	15	65	0	60	6	0	1	10	1	0	5	1	1000	0	50	2	25	50	0
Classroom Management	200	26	4	3	15	65	0	0	0	0	1	10	1	3	5	0	0	0	50	0	0	50	0
Music Ther. for Handi.	100	20	20	0	0	20	10	40	0	0	0	8	1	0	3	5	10	0	5	0	10	20	0
Implic. of Work w Han.	100	20	20	2	0	30	40	10	0	0	0	8	1	0	3	5	10	0	5	0	10	20	0
Developm. Lang. Methd.	150	20	20	2	0	30	10	50	0	0	0	8	1	0	3	5	10	0	5	0	10	20	0
Keyboard for Oh & SPH	50	20	20	2	0	30	30	20	0	0	0	8	1	0	3	5	10	0	5	0	10	20	0
Special Serv. Proced	800	25	24	5	0	37	60	130	0	0	0	8	1	0	3	5	100	0	50	0	20	42	0
State Bylaw	0	199	137	4	6	0	0	0	0	0	2	69	0	12	18	30	0	0	0	0	3	111	0

-37-

XI. PARTICIPATION OF PRIVATE SCHOOL CHILDREN

A. Policies and Procedures - 1978 Plan

The Maryland State Department of Education incorporates by reference Part XI, pp. 65-66 of the 1978 Maryland Amended Annual Program Plan, in addition to the following:

1. Funds and/or special education and related services and/or property provided through Part B funds to eligible handicapped children in private schools shall not inure to the benefit of the respective private school which the child attends.
2. Funds and/or special education and related services, and/or property, and/or materials provided by respective local education agencies for eligible handicapped children in private schools shall not be used to supplant existing levels of instruction in the private school.

B. New Requirements

The following additional policies and procedures are now in effect:

1. Local Educational Agency Responsibility

   Each LEA will provide special education and related services to handicapped children residing in each local education agency and attending a bona fide private school. Each LEA will provide genuine opportunities for such handicapped children to participate in special education and related services in a manner consistent with their number and needs.

2. Service Arrangements

   Each LEA will develop strategies to provide handicapped children in

private schools with special education and related services in accordance with established policies. These strategies must provide genuine opportunities for such children to participate and may take into account arrangements of dual enrollment, education media, mobile education services, and/or equipment.

3. Differences in Services to Private School Handicapped Children

The LEA shall provide special education and related services to handicapped children in private schools that are not different from such services provided to children in public schools, except when these differences are necessary to meet the special education needs of these private school children. Services that are different for the above reason must be comparable for similarly handicapped children in public schools relative to scope, quality, and accessibility.

XII. PLACEMENT IN PRIVATE SCHOOLS

The Policies and Procedures relative to placement in private schools is incorporated by reference from the 1978 Maryland Amended Annual Program Plan (pp. 68-69).

XIII. RECOVERY OF FUNDS FOR MISCLASSIFIED CHILDREN

The Policies and Procedures for the recovery of funds for misclassified children are found on p. 71 of the 1978 Maryland Amended Annual Program Plan, and are herein incorporated by reference.

XIV. HEARING ON LEA APPLICATION

The Policy and Procedural statements regarding hearing on LEA application are indicated on page 73 of the Fiscal Year 1978 Maryland Amended Annual Program Plan, Part B and are herein incorporated by reference.

XV. ANNUAL EVALUATION

The MSDE will provide for procedures for evaluation at least annually of the effectiveness of programs in meeting the educational needs of handicapped children including the evaluation of individualized education programs, and incorporates by reference Part XV of the 1978 Maryland Amended Annual Program Plan to meet these requirements (pp.75-80). The following information is offered to supplement the above.

In Fiscal Year 1978, MSDE developed, revised and implemented a special education program monitoring and evaluation system for Maryland's 24 local education agencies. The purpose of this system was fourfold: (1) to determine the degree of Maryland's compliance with regard to the policies and procedures requirements under P.L. 94-142 and Maryland Statute and Bylaw; (2) to determine the areas of necessary changes in services and resources to handicapped children within the 24 LEAs upon which to base available technical and programmatic assistance and professional development; (3) to provide a basis for the ongoing planning and quality improvement of special education programs in the 24 LEAs; (4) to determine service delivery systems which provide effective services at the least cost.

Three major components were developed and applied to all twenty four local education agencies, namely, (1) an administrative Policy and Procedure Review; (2) an Individualized Case Review and (3) a Federal Project Review. The mechanism by which these components were implemented was the Maryland Special Education Monitoring and Evaluation Site Visit. The Maryland State Department of Education-chaired Monitoring and Evaluation teams conducted two-day site

visits to each of the State's 24 LEAs to determine compliance with all components of P.L. 94-142. Each of the major components and the process which MSDE used to analyze LEA compliance is described in Appendix F.

A. School Year 1977-78

The full range of monitoring and evaluation activities during the 1977-78 school year includes the following: (a) a general programmatic and administrative review of local education programs including IEPs has been developed and implemented on a statewide basis; (b) weekly monitoring of LEA activities has been conducted by the Division of Special Education Regional Administrators with responsibilities for four to five LEAs; (c) inservice training programs within the state have been monitored by the State Department of Education through its Comprehensive System of Personnel Development; (d) a monitoring of the Child Find efforts has been maintained through quarterly reports and onsite assistance; (e) fiscal accountability has been established through the implementation of the new Financial Reporting Manual and the submission of annual reports which verify excess costs and maintenance of local efforts; (f) nonpublic placements in the state have been monitored by the Division of Special Education through its Nonpublic Branch; and (g) input was solicited from the State Special Education Advisory Committee and its six Satellites; and (b) local comprehensive plans developed by each LEA were reviewed and approved by the State Board.

In addition to the above a statewide meeting was held which brought Child Find Coordinators, Head Start and Interagency officials together to exchange information on individual programs, disseminate information on model programs and modify campaigns for the next school year. Participation in statewide

meetings of minority groups and health-related organizations has resulted in contacts with individuals who might otherwise not have been reached, providing additional input for monitoring and evaluation purposes.

B. School Year 1978-79

Plans for the 1978-79 school year include the following: (a) site visits of the LEAs, using revised instruments which provide for greater input from a broader public (e.g. teachers, students, parents), and a qualitative analysis of IEP content; (b) expansion of the monitoring role of regional administrators to provide follow-through on evaluation activities; (c) continuation of state inservice and preservice program monitoring through the Comprehensive System of Personnel Development; (d) modification of Child Find monitoring efforts through the SSIS and final data in the Local Plan and Application; (e) increase of fiscal accountability through the full implementation of the State's Financial Reporting Manual; (f) maintenance of non-public placement monitoring through cooperative Division efforts; and (g) continued solicitation of input from the State Advisory Committee and its Satellites. In addition to the above, statewide meetings with other agencies and groups will be continued in FY'79.

XVI. ADDITIONAL REQUIREMENTS

A. Responsibility of SEA for All Educational Programs

Maryland Bylaw 13.04.01.03 outlines the responsibility of the SEA relative to all programs within the State. It asserts that "The State Department of Education shall assure that all children, birth through age 20, residing in the State who are handicapped, regardless of the severity of their handicap, and who are in need of special education or related services, or both, are identified, assessed, and provided appropriate special education services as consistent with Maryland Law and Federal Law."

In addition, it states "The State Department of Education, in collaboration with other state agencies, shall establish implement, and maintain state interagency coordination to insure the development of interagency planning and implementation of programs for handicapped children. Generally, this collaborating shall lead to the provision of special education services (as defined in Regulation .02B) by the Department of Education, medical services, services by the Department of Health and Mental Hygiene, and social services by the Department of Human Resources."

Furthermore, it mandates that "Educational services provided by other local educational agencies, whether public or private, shall be under the supervision of the State Superintendent of Schools who shall insure that these programs meet minimum requirements as set forth in these regulations. Special education programs offered by nonpublic and State funded or operated institutions shall be approved in accordance with the provisions of Article 77, Sections 11 and 28, Annotated Code of Maryland, and Guidelines for the Approval of Education Programs offered by State Institutions, Maryland State Board of Education, or Standards for Nonpublic Schools for the Handicapped COMAR 13.09.01.02F."

Examples of signed interagency agreements are found in Appendix H (pp. 186-191)

B. Monitoring Procedures

1. Monitoring and Evaluation Activities

Maryland Bylaw 13.04.01.03 states that "The State Superintendent of Schools shall be responsible for the development of policies and procedures for monitoring and evaluation activities which insure compliance of all public agencies within the State with the requirements of these regulations and State and Federal Legislation. These procedures shall also provide for the evaluation of the effectiveness of the individualized education programs." Maryland's Monitoring and Evaluation procedures are described in Part XV of the 1978 and 1979 Plans, including the collection of data and reports, the conduct of onsite visits, the review of federal fund utilization, and the random sampling of IEPs within programs.

2. Adoption of Complaint Procedures

The Maryland State Department of Education, through its office of child advocacy in the Division of Special Education, provides a mechanism for reviewing, investigating and acting on any allegations of substance made by public agencies, or private individuals or organizations, concerning actions taken by any public agency that was contrary to federal or state requirements relating to the education of handicapped children.

The Child Advocate is responsible for investigating all such allegations. In collaboration with the various branches of the Division of Special Education (Liaison, Federal Projects, Information Management, Nonpublic, Program Administration and Program Development), specific actions are taken relative to negotiation, technical assistance or the remedial activity.

The use of sanctions, including the withholding of Part B funds, has been and will continue to be operational.

C. Policies and Procedures for Use of Part B Funds

The Policies and Procedures for use of Part B funds are outlined in the Administrative Manual developed by the Division of Special Education, Maryland State Department of Education. Copies of the revised 1979 Local Plan and Application for P.L. 94-142 Funds are found in Appendix I.

D. Nondiscrimination and Employment of Handicapped Individuals

The Maryland State Department of Education does not discriminate in admissions, access, treatment or employment in its programs and activities on the basis of race, color, sex, age, national origin, religion or handicapping conditions. It maintains a fully staffed Office of Equal Opportunity to monitor compliance.

In addition, the Maryland State Department of Education has filed the assurance statements with the Department of Health, Education and Welfare as is required by Section 121a.150 of P.L. 94-142 regulations and the 504 regulations.

E. Additional Information if SEA Provides Direct Services

The Maryland State Department of Education does not provide direct services as outlined in Section 121a.151 of the federal regulations.

XVII. DESCRIPTION OF USE OF PART B FUNDS

A. The following SEA administrative personnel are funded through Part B funds:

1. Anthony Kowalski
2. Camille Peck
3. Stephen Holowenzak
4. Vira Froehlinger
5. Sadie Goldsmith
6. Vacancy - Federal Project Specialist

B. The SEA will provide the following administrative and support services during FY 1979:

1. Full Educational Opportunities Goal Project

In order for the twenty four local educational agencies, the nonpublic schools, and the state institutions in Maryland to meet the full educational opportunities service goal mandated in P.L. 94-142 programmatic development and assistance are required from the SEA in the areas of identification, location, evaluation, and placement of handicapped children needing special education and related services. Furthermore, although much of the groundwork for interagency collaboration has been established in Maryland, positive steps toward interagency communication and agreements for the identification, location, evaluation and placement of handicapped children need to be taken.

The nine Division of Special Education project participants (six professionals and three support staff) are located in the Program Development and Assistance, Nonpublic and Liaison Branches to foster intercommunication necessary to maximize the impact of the project and accomplish the project objectives.

2. Special Services Information System

The Maryland Special Services Information System (SSIS) has been operating for five years. The SSIS is designed to collect, compile and disseminate information regarding the numbers and kinds of special services required of local education agencies for handicapped children and provides the documentation for Maryland's Child Count. As such, the SSIS expects to serve over 85,000 children of all types of handicaps and all levels of handicaps. This includes the mild to the most severe, and the common to the lowest - incidence. The SSIS records the appropriately served but is of greatest utility in regard to the inappropriately served and the recognized unserved. Use of the compiled data can provide effective support for priority setting, for reallocation of existing resources, and for acquisition of new resources.

In addition to being a documented source of information, proper functioning of the SSIS relieves the data collection and compilation burden recently so heavy on local administrators and direct service providers. This enables staff to spend more time in direct child centered efforts.

3. Total 1979 Program and Performance Statements of the Maryland State Department of Education, Division of Special Education

The Division of Special Education is responsible for the overall administration, management and budgetary development of State and federal aid for handicapped children and youth and operates under the direction of the Assistant State Superintendent. Its purpose is to

(1) assure the provision of a free and appropriate education of all handicapped children and youth in Maryland, (2) assure compliance with State and federal mandates, (3) provide programmatic service and support to Local Education Agencies; and (4) cooperate and collaborate with other divisions in the Maryland State Department of Education and other State agencies. The Division achieves established performance standards through:

a. administrative assistance to Local Education Agencies in the development, implementation and evaluation of programs for handicapped children and the dissemination of information to these agencies;

b. programmatic assistance to Local Educational Agencies as they pursue compliance with Public Law 94-142 standards and with the Maryland Statute and Bylaw in areas such as: Individual Educational Programs (IEP), non-discriminatory testing, low incidence handicapped children, early childhood programs, and personnel development;

c. administrative supervision of educational programs and services in approved nonpublic educational or state institutions and appropriate assessment of all children having profound and/or complex handicaps;

d. development, implementation and maintenance of a comprehensive information management system.

e. programmatic and fiscal administration of the State's Annual Program Plan for Public Law 94-142;

f. liaison activities in legislative hearings, inter/intra departmental negotiations and parent organizational meetings

4. Activities of the State Special Education Advisory Committee

The State Special Education Advisory Committee is comprised of 12 members, including the following representatives (2 each) from Maryland's 6 Satellite Committees:

a. Consumers
b. State Owned or Operated Schools
c. Teacher/Related Services
d. Institutions of Higher Learning
e. Nonpublic Schools
f. Local Education Agencies

The charge of the Satellite Committees is to provide input to the State Advisory Committee and to act in the role of information disseminators to these interests they represent. Additionally, they provide advice to the Maryland State Department of Education, Division of Special Education in the areas specific to their expertise.

The Satellite Committees meet a minimum of three times yearly to discuss pertinent issues regarding special education and related services. A summary of concerns and recommendations for further action is reported to the main Advisory Committee which also meets at least three times a year. Funds are allocated for use to cover such items as travel, interpretors, room rentals, secretarial services, supplies and materials.

To date, the Advisory Committee and the 6 Satellites have met periodically to not only discuss the issues indicated above, but to provide input for the development of the 1979 Plan.

C. Expenditures of Part B funds for the following activities in FY 1979:

1. Child Identification

As in Fiscal Year 1978, Child Identification activities in Fiscal Year 1979 will receive primary focus. In addition to the continuation of the Child Find reports, Child Find Plan updates will be required from each of Maryland's 24 local education agencies including local as well as Part B Pass Through budgets. Any additional funding requests for these activities has been and will continue to be given priority authorization.

2. Priorities

In meeting the priorities of the unserved and the severely handicapped inadequately served as required by P.L. 94-142 and service to all handicapped children, from birth through 20, by July 1, 1980 as mandated by State Law (Article 77, Section 106D), the State Board passed Resolution 1977-50 regarding Priorities for Special Education Services on October 26, 1977. This Resolution provides principles to be used as a guide in reviewing annual local school system plan/application so that appropriate services be provided in the following order:

"That special education services be provided to handicapped children of school age (5 through 20) who are in need of special education services and are not now receiving a reasonably appropriate program.

b. That special education services be provided to handicapped preschoolers ages 3-4 in need of such services.

c. That special education education services be provided to handicapped children ages 0-2 and program improvements be made in programs for children receiving special education services."

Further, other identified needs as determined by the state monitoring and evaluation procedures to assure total compliance, will be considered priority areas.

In addition to the 5% for Child Find activities, 85% of Part B funds were used in FY '78 to implement the federal first and second priorities. It is anticipated that this will prevail in FY '79, with the accommodation of some increase in inservice expenditures as indicated below.

3. Inservice Training

In addition to the Title VI-D funds awarded to the Maryland State Department of Education, Division of Special Education, for training of personnel from the Bureau for the Education of the Handicapped, Part B monies have been and will continue to be utilized to provide assistance to local education agency personnel, as well as those in State operated and Nonpublic facilities for the implementation of Maryland's Comprehensive System for Personnel Development. (See Part X of the FY '79 State Plan for further information).

In FY '78, 10% of Part B funds were used for this purpose, which will increase to approximately 15% in FY '79.

§ 59. Scholarships for preparation of teachers of persons with impaired hearing.

(a) *Definition.* — As used in this section, "training center for teachers of persons with impaired hearing, including the deaf," means any accredited college or university having an approved program for the preparation of teachers of persons with impaired hearing, including the deaf which satisfies the requirements established by the Maryland State Department of Education for certification as teachers of persons with impaired hearing, including the deaf.

(b) *Program established.* — In addition to any other scholarships that may be awarded or provided for under other provisions of this article, there shall be a program of scholarships for the preparation of teachers of persons with impaired hearing, including the deaf, to any training center for teachers of persons with impaired hearing, including the deaf.

(c) *Eligibility.* — Eligibility for a scholarship under this section shall be limited to persons (1) who are senior undergraduate students or candidates for a Master's Degree in the area of education of persons with impaired hearing, including the deaf, (2) who have clearly shown a commitment to teach persons with impaired hearing, including the deaf, in the State of Maryland through successful completion of prerequisite course work, (3) who are recommended by the training center for teachers of persons with impaired hearing, including the deaf, they are applying to or attending after consultation with the Maryland State Department of Education, and (4) whose financial needs and resources meet the requirements therefor as determined by rules and regulations adopted by the State Scholarship Board.

(d) *Notice, application and award.* — Each year, the State Scholarship Board shall cause the availability and conditions of scholarships under this section to be made known at colleges and universities both within and without this State. Applicants therefor shall submit an application in form prepared by the State Scholarship Board, which shall demonstrate the applicant's merit and his eligibility under section (c) above. From the qualified applicants admitted by the training centers for teachers of persons with impaired hearing, including the deaf, the State Scholarship Board shall select 30 persons, and alternates in such number as to assure that 15 scholarships for teachers in the school for the deaf and 15 scholarships for teachers in the public schools or state-approved nonpublic schools shall actually be awarded and accepted annually.

(e) *Duration, renewal and amount; how paid.* — The scholarships shall be held for one year, and may be renewed for an additional year at the option of the training center for teachers of persons with impaired hearing, including the deaf. Each scholarship shall be in an amount equal to the costs of tuition for one year at the training center for teachers of persons with impaired hearing, including the deaf, as stated in its most recent catalogue. The amount of scholarship aid shall be paid by the State Scholarship Board to the training center for teachers of persons with impaired hearing, including the deaf.

(f) *Source of funds; unused funds.* — Funds for scholarships hereunder and for necessary administrative expenses shall be included in the budget from year to year beginning with the fiscal year 1973-1974. Any of such funds remaining unused at the end of the fiscal year shall revert to the general funds of the State treasury.

(g) *Period of teaching required of recipient.* — Each recipient of a scholarship under this section, after certification as a teacher of persons with impaired hearing, including the deaf, shall teach in a school for the deaf, a public school program, or a state-approved nonpublic school program for persons with impaired hearing, including the deaf, in the State for a minimum period of one year for each year a scholarship under this section was held by the recipient. (1971, ch. 654; 1973, ch. 465; 1974, ch. 506.)

APPENDIX B

§ 85B. Hearing and vision screening tests.

(a) Hearing and vision screening tests shall be provided by the local boards of education, by the local health department, or by the Board of School Commissioners of Baltimore City for all students in the public schools of Maryland. Hearing and vision tests shall be provided and funded by the local health departments for all students in the private schools of Maryland which have received a certificate of approval pursuant to § 12 of this Article, or in any nonpublic educational facility located in the State of Maryland and approved as a special education facility by the State Department of Education. These tests shall be administered in the year a student enters a school system and upon his entering the ninth grade, unless evidence is presented that a student has been tested within the past year. Additional testing shall be done in accordance with bylaws adopted by the State Board of Education. Standards, rules and regulations to implement this law shall be promulgated by the State Department of Education in cooperation with the State Department of Health and Mental Hygiene.

(b) No student whose parent or guardian objects in writing to hearing and vision testing upon the ground that it conflicts with the tenets and practice of recognized church or religious denomination of which he is an adherent or member shall be required to take these tests.

(c) The results of the hearing and vision tests required by this section shall be made a part of the permanent record file of each student and shall be disseminated to the parents of those students who fail such tests. (1974, ch. 441.)

APPENDIX C

MARYLAND STATE BYLAW

13.04 SPECIAL INSTRUCTIONAL PROGRAMS

13.04.01 Programs for Handicapped Children

(Art. 77; S.56,99-102,104-106)

.01 Commitment

In accordance with Article 77, Section 106D, Annotated Code of Maryland, State and local education agencies shall provide free and appropriate educational programs and related services for all handicapped children, from birth through the age of 20, who are found to be in need of special educational services. These appropriate services are to begin as soon as the child can benefit from them, provided services for children under the age of five shall be phased in as required by law.

.02 Definitions

A. "Handicapped Children"

(1) "Handicapped children" means those children who have been determined through appropriate assessment (see Regulation .05C) as having temporary or long-term special educational needs arising from cognitive, emotional, or physical factors, or any combination of these. Their ability to meet general educational objectives is impaired to a degree whereby the services available in the general education program are inadequate in preparing them to achieve their educational potential.

(2) "Handicapped children", as referred to above, includes those children who have been described as follows:

(a) "Deaf" means a hearing impairment which is so severe that the child is impaired in processing linguistic information through hearing, with or without ampli-

fication, which adversely affects educational performance.

(b) "Deaf-blind" means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that the children cannot be accommodated in special education programs solely for deaf or blind children.

(c) "Hard of hearing" means a hearing impairment, whether permanent or fluctuating, which adversely affects a child's educational performance, but which is not included under the definition of "deaf" in this section.

(d) "Mentally retarded" means significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period, which adversely affects a child's educational performance.

(e) "Multi-handicapped" means concomitant impairments (such as mentally retarded-blind, mentally retarded-orthopedically impaired, etc.), the combination of which causes such severe educational problems that the children cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blind children.

(f) "Orthopedically impaired" means a severe orthopedic impairment which adversely affects a child's educational performance. The term includes impairments caused by

congenital anomaly (for example, clubfoot, absence of some member, etc.), impairments caused by disease (for example, poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (for example, cerebral palsy, amputations, and fractures or burns which cause contractures).

(g) "Other health impaired" means limited strength, vitality, or alertness, due to chronic or acute health problems (such as heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, or diabetes), which adversely affects a child's educational performance.

(h) "Seriously emotionally disturbed" is defined as follows:

(i) The term means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects educational performance:

(aa) An inability to learn which cannot be explained by intellectual, sensory, or health factors;

(bb) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

(cc) Inappropriate types of behavior or feelings under normal circumstances;

(dd) A general pervasive mood of unhappiness or depression; or

(ee) A tendency to develop physical symptoms or fears associated with personal or school problems.

(ii) The term includes children who are schizophrenic or autistic. The term does not include children who are socially maladjusted, unless it is determined that they are seriously emotionally disturbed.

(i) "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. The term does not apply to children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

(j) "Speech impaired" means a communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment, which adversely affects a child's educational performance.

(k) "Visually handicapped" means a visual impairment which, even with correction, adversely affects a child's educational performance. The term includes both partially seeing and blind children.

(3) Handicapped children may be able to function in a general education program full time with the assistance of supplementary services; may require supplementary services outside of the general classroom; or may require more intensive service which necessitates placement outside of the general education program. Some handicapped children require special education and related services; some do not. Economic and cultural disadvantaged conditions are not, in themselves, handicapping conditions which justify special education programming.

B. "Special education" means instruction provided at no cost to the parents, which is specially designed to meet the unique needs of a handicapped child, including classroom instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions. The term also includes vocational education, if it consists of specially designed instruction, to meet the unique needs of a handicapped child, at no cost to the parents. Related services are transportation and those developmental, corrective, and other supportive services that are required to assist a handicapped child in benefiting from education. The term "related services" includes speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities, counseling services, and medical services for diagnostic or evaluation purposes. The term also includes school health services, social work services in schools, and parent counseling and training.

C. "Special education services" means special education and related services as defined above.

D. "Appropriate special education programs" means those services defined in each child's individualized education program (I.E.P.).

.03 State Responsibility

A. State Advisory Board. The State Superintendent of Schools shall appoint, with the approval of the State Board of Education, a State Advisory Committee for Special Education. This committee shall be composed of the following: individuals involved in or concerned with the education of handicapped children; handicapped individuals; teachers (special and general); parents or guardians of handicapped children; local education officials, including building principals in general education; representatives from the State Departments of Human Resources and Health and Mental Hygiene; and administrators of programs for handicapped children. The State Advisory Committee shall advise the State Superintendent of Schools regarding unmet needs within the State in the education of handicapped children, regulations or bylaws to be promulgated regarding the education of handicapped children, and the development of programs for handicapped children. The term of appointment shall be 3 years.

B. Assurance. The State Department of Education shall assure that all children, birth through age 20, residing in the State who are handicapped, regardless of the severity of their handicap, and who are in need of special education or related services, or both, are identified, assessed, and provided with appropriate special education services as consistent with Maryland Law and Federal Law.

C. Planning.

(1) The State Superintendent of Schools shall require the maintenance of a comprehensive plan for the provision of special educational

services by each local education agency. This plan is to be updated and submitted annually. The plan shall be in accordance with guidelines prescribed by the Maryland State Department of Education and reviewed as set forth in Article 77, Section 106D, Annotated Code of Maryland. The State Superintendent of Schools will not approve any plan which, in his judgment, deprives any child of appropriate special educational services.

(2) Modifications of the comprehensive plan submitted by a local board of education for approval shall be reviewed in the same manner as set forth in Article 77, Section 106D, Annotated Code of Maryland.

(3) If the State Superintendent of Schools determines for any school year that the plan from a local board of education fails to provide appropriate special education services for any child, he shall, under the provisions of Article 77, Section 106D(c), Annotated Code of Maryland, prepare a modification of this plan. The State Board of Education shall consider the modified plan and hear any appeals relative to the modification. The State Board of Education shall not approve any modification which, in its judgment, deprives any child of appropriate special educational services.

D. Interagency Collaboration. The State Department of Education, in collaboration with other state agencies, shall establish, implement, and maintain state interagency coordination to insure the development of interagency planning and implementation of programs for handicapped children. Generally, this collaborating shall lead to the provision of special education services (as defined in Regulation .02B) by the

Department of Education, medical services, services by the Department of Health and Mental Hygiene, and social services by the Department of Human Resources.

E. Monitoring and Evaluation Activities. The State Superintendent of Schools shall be responsible for the development of policies and procedures for monitoring and evaluation activities which insure compliance of all public agencies within the State with the requirements of these regulations and State and Federal Legislation. These procedures shall also provide for the evaluation of the effectiveness of the individualized education programs.

F. Personnel Certification and Training. The State Superintendent of Schools shall be responsible for the development and implementation of a comprehensive system of personnel development which shall include the inservice training of general and special education instructional personnel, related services personnel, administrators, and support personnel in all programs serving handicapped children. This training shall be made available to both public and nonpublic facilities. Certification requirements shall be as set forth in COMAR 13.06.01.

G. Services Provided by Other Agencies and Organizations. Educational services provided by other than local education agencies, whether public or private, shall be under the supervision of the State Superintendent of Schools who shall insure that these programs meet minimum requirements as set forth in these regulations. Special educational programs offered by nonpublic and State funded or operated institutions shall be approved in accordance with the provisions of Article 77, Sections 11 and 28, Annotated Code of Maryland, and "Guidelines for the Approval of Education Programs offered by State Institutions", Maryland State Board of Education, or

"Standards for Nonpublic Schools for the Handicapped" COMAR 13.09.01.02F.

H. Transportation.

(1) The State Board of Education shall establish regulations for the provision of free transportation for all handicapped children. These regulations shall be in accord with Article 77, Article 66-1/2, and COMAR 13.05.03.01A. Implementation of these regulations shall occur by FY 1981.

(2) Daily transportation or reimbursement shall be provided for attendance at approved non-residential facilities, and the State Superintendent of Schools shall establish uniform criteria for the frequency of transportation to be provided to residential facilities.

(3) Consistent with Section H(1) and (2) above, transportation shall be provided in accordance with the individualized education program as determined by the Admission, Review, and Dismissal Committee.

I. Facilities. The State Department of Education shall develop minimum criteria for classrooms and facilities for special education programs.

J. Financial Accounting.

(1) The special education financial accounting system shall be in consonance with the State of Maryland's categories of expenditures.

(2) The minimal educational services delineated within the financial accounting system program structure shall be those

contained in "The Financial Reporting Manual: Maryland Public Schools".

(3) State reimbursement shall be based on the provision of special educational services as reported to the State Department of Education in the "Guidelines for Special Education Financial Accounting and Reporting".

K. Reimbursement for Educational Programs of Students Residing in Public Institutions. When the recommendation of the local education agency Admission, Review and Dismissal Committee (ARD) is to place a child in a public residential institution, the following formulas for reimbursement shall apply:

(1) When special education services are provided by a public institution, the State Board of Education shall require the local board of education to pay that institution an amount not to exceed that amount which the sending local board of education appropriates from its own funds on an average per pupil cost basis for all children receiving locally operated Level V service, or the actual cost of the program, whichever is less.

(2) The State Board of Education may require local education agencies to provide special educational services for handicapped children, from birth through age 20, residing in approved public residential institutions within their respective boundaries. Funds for the education of these children shall be provided pursuant to a formula administered by the State Board of

Education whereby the local education agency providing the services is granted 100 percent of the cost of the services for those children whose parent's or guardian's legal residence is in another local subdivision. The local education agency providing the service shall be reimbursed as follows: the cost to the sending local education agency shall provide for each child involved, either the average per pupil cost which the sending local board of education appropriates per child for all children receiving Level V services operated by that local board of education, or the actual cost of the program whichever is less. If the actual program cost exceeds the Level V per pupil cost of the sending local board of education, the State shall reimburse the local board of education providing the service for any remaining approved costs.

.04 Responsibility of Agencies Providing Direct Service.

A. Education agencies providing direct service to handicapped children include local education agencies, nonpublic special education schools and state funded or operated facilities. Except as noted, all references in these regulations apply to all education agencies providing direct service to handicapped children.

B. Local Education Agency Responsibility. All children, from birth through age 20, residing within the jurisdiction of the local educational agency who are handicapped, regardless of the severity of the handicap, and who are in need of special education and related

services shall be identified, assessed, and provided appropriate special education services consistent with the provisions of these regulations.

C. Local Education Agency Planning Responsibilities.

(1) The local education agency shall maintain a comprehensive plan which provides for the identification of children who may be in need of special education services and for the delivery of these services. This plan is to be submitted annually to the State Superintendent of Schools.

(2) This plan shall be in accordance with policy and format established by the Maryland State Department of Education.

(3) If a local board of education determines for any school that the county or the City of Baltimore share of monies, plus the State share, plus any additional aid, is insufficient to carry out the local plan approved under the provisions of Article 77, Section 106D(b), Annotated Code of Maryland, the local board shall prepare a modification of the local plan. This modification shall be submitted to the State Superintendent of Schools within 25 days after the adoption of the local education agency budget for the school year to which the modification applies, providing the modification does not deprive any child of appropriate special education services.

(4) Before development and submission of these plans or modifications, the local education agency shall provide for public hearings, adequate notice of these hearings, and an opportunity for comment by the general public, consistent with the local

education agency's procedure for the adoption of policy.

D. Local Education Agency Responsibility for Interagency Collaboration. Each local education agency in collaboration with local and State agencies and other private and public resources shall establish, implement, and maintain local interagency planning and implementation of programs for handicapped children.

E. Public Information. The education agency shall provide the public with information regarding special education programs and related services consistent with the agency's public information policy.

F. Personnel.

(1) Each education agency shall designate a person to be responsible for administration of the special educational program to ensure implementation of the provisions of these regulations.

(2) Each education agency shall designate a person to be responsible for the coordination and supervision of the special education instructional program. This person shall have the necessary training and background of experiences to perform these duties.

(3) The education agency shall provide certificated education personnel as specified in COMAR 13.06.01, to ensure implementation of the provisions of these regulations. Additional agency personnel criteria shall be in compliance with established policies of the State Board of Education.

(4) All education support personnel shall meet certification requirements as specified in COMAR 13.06.01.

(5) All other personnel, including but not limited to, nurses, physicians, psychiatrists, occupational therapists, physical therapists, and social workers, shall hold all licenses required by the State to practice in the State. Qualifications for these personnel when working in educational programs, as well as guidelines for their supervision, shall be developed jointly by the State Departments of Education and Health and Mental Hygiene.

(6) All aides, paid or volunteer, shall be at all times under the direct supervision of qualified staff. The duties and responsibilities of all aides shall be clearly defined in writing.

G. Facilities.

(1) The education agency shall provide classrooms and facilities for programs and services for handicapped children which are at least equivalent to those provided for students in the general education program and consistent with the minimum criteria as established under Regulation .03I, above.

(2) The education agency shall provide facilities in accordance with "Regulations Governing Construction of Facilities for the Handicapped", Article 78A, Section 51, Annotated Code of Maryland.

H. Assurance of Non-Discrimination/Parents. The education agency may not require parents or guardians of any child placed in special education services to perform duties not required of a parent or guardian of a child in a general school program.

I. Personnel Training. Each direct service agency shall be responsible for the implementation of a personnel development plan which includes the inservice training of general and special education, instructional and related services, administrative, and support personnel.

.05 Identification.

A. Non-Discrimination Policy. Local education agencies may not assess or assign children to special education programs and services on the basis of national origin, race, sex, linguistic, religious, or cultural background.

B. Screening.

(1) The local education agency, jointly with the local health agency, shall provide for continuous screening of school and preschool age children, for problems which impede learning. These procedures shall be in accordance with guidelines developed jointly by the State Department of Education and the State Department of Health and Mental Hygiene, as specified in Article 77, Sections 85 and 85B, Annotated Code of Maryland.

(2) A screening program shall be designed and conducted for all children of kindergarten age or upon first entry, and shall include, but not be limited to:

(a) Information including the age at which developmental milestones were attained, existence of possible special needs, results of previous assessments and evaluations,

history of placement in special education programs, and history of treatment received for disabilities (this information shall be sought from parents, as appropriate);

(b) A screening which includes the child's visual, auditory, and motor functioning, separately or in integration;

(c) A language screening including receptive, inner, or symbolic and expressive language in English and in the child's primary language if it is other than English, and in academic areas where appropriate.

(3) A comprehensive screening, similar to the kindergarten screening (see Section B(2), above), but adjusted for the child's developmental level, shall be provided to children within 30 calendar days of a request from the parents or guardians.

(4) Each local education agency and local department of health shall use screening personnel who are under the direct supervision of licensed, approved, or board registered personnel in a speciality area qualifying them to do the specific screening which is being performed.

(5) A child identified with a reasonable likelihood of having special educational needs shall be referred for an appropriate educational assessment (in accordance with Section C, below). This assessment shall occur within 45 calendar days of the referral.

(6) The results of all such screening shall be reported to the home school ARD.

C. Assessment.

(1) The local education agency shall provide an appropriate educational assessment in the child's primary language for all children identified through established screening procedures as potentially in need of special education programs. This assessment shall consist of reading, math, spelling, written and oral language, and perceptual motor functioning, as appropriate.

(2) The following assessments shall be provided in addition to the required educational assessment as appropriate:

(a) An assessment of cognitive factors shall include one or more of the following: psychological, speech or language, or both, as appropriate, and shall be administered by a professional certified in the specialty area by the State Department of Education;

(b) An assessment of emotional factors shall include one or more of the following: a psychiatric evaluation by a licensed psychiatrist, an evaluation by a certified or licensed psychologist, or a State Department of Education certified school psychologist;

(c) An assessment of physical factors shall include one or more of the following as appropriate: medical, ophthalmological,

audiological, neurological. They shall be administered by individuals licensed in the respective speciality areas.

(3) Each assessment report shall include, in addition to any matters required by Federal Regulation:

(a) A description of behaviors which establishes the existence of a handicapping condition;

(b) A statement which describes, in terms of special education services needed, the child's performance as it deviates from developmental milestones and/or general education objectives, as appropriate.

(c) A statement of criteria used to establish the deviation of the child's behaviors from those of non-handicapped age mates which establishes the eligibility for special education services, and the criteria used to make determinations required by C(2)(a) and (b) above.

(d) The signature of the individual who has conducted the assessment.

(4) The results of the assessment shall be written and shall include patterns of development, learning, and behavior, as well as academic achievement.

(5) The assessment information is used by the Admission, Review and Dismissal (ARD) Committee in carrying out its responsibilities for the determination of program placement.

(6) Any assessment may be waived, if a comparable assessment, in the opinion of the Admission, Review and Dismissal Committee, has been completed during the 6 months before the time of the scheduled school assessment and made available to the school, provided the parents and local education agency have agreed to the waiver.

D. Record Keeping. The local education agency shall establish procedures to ensure the maintenance of a current census of all children, from birth through the age of 20, who require special education services. This census, and other such record keeping as required, shall be reported to the State Department of Education and maintained in accordance with the State and Federal privacy standards.

.06 Programming.

A. Program standards: Statement of Purpose, Philosophy, and Objectives.

(1) It shall be the responsibility of each educational agency to formulate a written statement describing the purpose, philosophy, and objectives of the program.

(2) This statement shall include the primary reasons for which the program is established and the goals toward which the program's efforts are directed. It shall be sufficiently explicit to facilitate an evaluation in terms of what the program is striving to accomplish and the extent to which it is meeting the needs of the pupils who are enrolled.

(3) The statement of purpose, philosophy, and objectives shall be used as a guide on such matters as the educational needs and number of pupils to be served; the instructional programs to be offered; and the services to be provided to pupils; as well as selection of faculty and staff, design and use of facilities, financing, and organization.

B. Days and Hours of Operation.

(1) A day of instruction for an individual pupil may be modified according to his age and unique educational needs only as determined by the Admission, Review, and Dismissal Committee.

(2) Each education agency shall develop a yearly calendar, before the opening date, which includes the dates for the opening and closing of school, days of instruction, holidays, vacations, and other pertinent events or activities in the schedule for the year. The yearly calendar shall be consistent with the required school year as defined in Article 77, Section 73, Annotated Code of Maryland, unless otherwise extended by the Admission, Review, and Dismissal Committee for an individual pupil.

C. Admission, Review, and Dismissal Process.

(1) Each local education agency shall maintain an Admission, Review, and Dismissal Committee or committees, which serves with the authority of the local superintendent of schools, and is composed of the following:

(a) A chairperson designated by the local superintendent;

(b) Individuals who are familiar with the child's current level of functioning (these individuals shall include a special educator and interdisciplinary personnel from the local education agency and the local health department), and other public agencies, as appropriate.

(c) Others as deemed appropriate, such as individuals expected to become deliverers of direct service to the student.

(2) If a student is currently being served in a nonpublic school or state funded or operated institution, representatives from that program shall be invited to provide information relating to the student's educational needs. These representatives shall be informed 10 calendar days before scheduled meetings.

(3) The responsibilities of the committee or committees shall be as follows:

(a) Referral.

(i) To receive referrals for special education services within 30 calendar days of the completion of the assessment.

(ii) To identify personnel and arrange for appropriate assessment procedures in accordance with Regulation .05C, and review the results of these assessments.

(b) Placement.

(i) To determine all special education level placements within the local school system;

(ii) To recommend all nonpublic tuition placements to the State Department of Education in accordance with Section F, below;

(iii) To designate individuals who will be responsible for developing the individualized education program within 30 calendar days of the committee placement decision;

(iv) To approve the individualized education program;

(v) To consider the logistics of transporting the student to the program when considering appropriate placements.

(c) Review.

(i) To review pupil progress based upon the individualized education program in accordance with Section D, below;

(ii) To recommend modifications in the individualized education program, as necessary;

(iii) To recommend dismissal from special education program, if appropriate;

(iv) To review pupil placement decisions in cases where information not previously available is presented to the ARD Committee.

(4) Parents or guardians, and students as appropriate, shall be informed in writing in their primary mode of communication of their rights with respect to each of the following functions and responsibilities of the Admission, Review, and Dismissal Committee.

(5) The local education agency shall develop procedures for:

(a) Informing the parents or guardians in writing when the child is referred to the Admission, Review, and Dismissal Committee, at least 10 calendar days before the meeting;

(b) Securing written permission before assessment is initiated;

(c) Informing parents or guardians of the assessment results and the possibility of a special education program placement;

(d) Obtaining written permission for placement and for reporting this placement to the State Department of Education;

(e) Informing parents of the review schedules and process;

(f) Reviewing by the Admission, Review, and Dismissal Committee of information not previously available to the committee.

D. Individualized Education Program.

(1) The individualized education program is a written comprehensive outline for total special education services which describes the special education needs of the child and the services to be provided to meet those needs. The goals, objectives, activities and materials shall be adapted to the needs, interests, and abilities of each student.

(2) The individualized education program shall be developed in a meeting by a representative or representatives of the local education agency as designated by the Admission, Review, and Dismissal Committee; the parents or guardians; the child's teacher or teachers, the student, when appropriate; and when feasible, all other persons directly responsible for the implementation of the individualized education program.

(3) The individualized education program shall be developed before special education program placement is implemented, and it shall be approved by the ARD Committee, signed by the parents, and implemented no more than 30 school calendar days after its development.

(4) The individualized education program for each child shall include:

(a) A statement of the child's special education needs and present levels of educational performance;

(b) A statement of annual goals, including short-term instructional objectives;

(c) A statement of the specific special education and related services to be provided to the child, and the extent to which the child will be able to participate in general educational programs;

(d) The projected dates for initiation of services and the anticipated duration of the services; and

(e) Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short-term instructional objectives are being achieved;

(f) None of the above shall be construed to cause any agency, teacher, or other person to be held accountable if a child does not achieve the growth projected in the annual goals or short-term goals and objectives.

(5) Each local education agency's Admission, Review, and Dismissal Committee shall provide for a review of the progress of each child who is receiving special education services. This review of each child's progress shall be completed within 60 school days after the initial placement.

(6) If the review by the Admission, Review, and Dismissal Committee suggests that the initial placement was inappropriate or that different services would now benefit the child, or both, reassignment or alteration in service shall be made as appropriate. The written consent of parents or guardians shall be secured in accordance with Section C(5)(d), above.

(7) Additional review of the child's program shall occur at least annually thereafter and shall be conducted to determine the following:

(a) Whether the child has achieved the goals set forth in his individualized education program;

(b) Whether the child has met the criteria which indicate readiness to enter into a less intensive special education program level;

(c) Whether the program the child is in should be specifically modified to render it more suitable to the child's needs;

(d) A written summary of this review shall be made available to the parents of the child within 10 school days after the review is completed.

E. Services.

(1) Children with special needs shall be served in special education programs appropriate to their developmental level and educational needs. The Admission, Review, and Dismissal Committee in all cases shall verify the existence of an educational handicapping condition and its degree, based upon the assessment information available (see Regulation .05C(3)(c), above). The individualized education program

shall designate the appropriate program level or levels placement. After determining initial program placement, the local education agency shall educate the child in the least restrictive appropriate educational program level. Students may be served concurrently at more than one program level. Students shall be served in compatible age, developmental, and instructional groupings. Separate schooling, self-contained classes, or other removal of the child with special needs from the general education environment shall occur only when, and to the extent that, the student's special educational need is such that education in a less restrictive environment cannot be accomplished satisfactorily even with the use of supplementary aids and services. In making this determination the needs of other children in the classroom may be considered.

(2) Professionals may provide service concurrently at more than one program level. Caseloads shall be adjusted accordingly based upon the full time equivalent assignment. In establishing the individual professional caseload, consideration should be given to the individualized education program of the students served by the professionals.

(3) A complete description of special education programs, services, and criteria for the child's eligibility shall be available to the public. The following shall constitute the levels of special education service:

(a) Level I may be considered appropriate for the child who has been identified through the educational assessment as having an educational handicap in one or more of the following areas: cognitive, emotional, physical, or all of these, and who may be appropriately served in the general education program

receiving supplementary services. Level I is designed to assist the non-special education teacher in the development and implementation of a special education IEP through the provision of supplementary services which are not provided in the general program. Services provided include direct or indirect instructional consultation services to the teacher, and/or the provision of special materials and equipment. The minimum staffing ratio for Level I service shall be one full time equivalent professional for each 150 non-special education teachers employed by the local education agency.

(b) Level II may be considered appropriate for the student who has been identified through the educational assessment as having an educational handicap in one or more of the following areas: cognitive, emotional, physical, or all of these, and who may be appropriately served by receiving service through the special education program not to exceed an average of one hour per school day. Level II is designed to provide a program of special educational intervention directly to the student. This level is designed to meet the special educational needs of the handicapped child who requires a degree of educational intervention not available in the general education classroom. Services are provided by a professional on an intermittent or continuous basis (for example, vision, speech and language).

The instruction may be given on an individual basis or in small groups. In addition, personnel serve as a resource to the teacher in suggesting activities which would enhance the student's achievement. The maximum caseload for Level II service shall be an average of 60 handicapped students with special educational needs per each full time equivalent professional.

(c) Level III may be considered appropriate for the child who has been identified through the educational assessment as having an educational handicap in one or more of the following areas: cognitive, emotional, physical, or all of these, and who may be appropriately served by receiving special educational services not to exceed an average of three hours per school day. Level III is designed to provide periods of more intensive special educational services (for example, academic, vision, speech, language) on a regular basis. In addition, personnel serve as a resource to the teacher in suggesting activities which would enhance the student's achievement. The maximum caseload for Level III services shall be an average of 20 different handicapped students with special educational needs per full time certified special education teacher or an average of 30 different handicapped students, if a full time aide is also provided.

(d) Level IV may be considered appropriate for the student who has been identified through the educational assessment as having handicaps in one or more of the following areas:

cognitive, emotional, physical, or all of these, and who may be appropriately served by receiving special educational services up to 6 hours per school day. Level IV is designed to provide a special class within a general education facility in which a student receives most or all of his basic educational program. Services include special education provided by a special education teacher and related services as described in the IEP. The student shall participate in the general program as appropriate and shall have access to other supplementary services consistent with those provided to students in the general education program. The maximum class size for Level IV service at the elementary level shall be an average of 10 handicapped students with special educational needs per full time teacher or an average of 13 students if a full time aide is also provided. The maximum class size for Level IV service at the secondary level shall be an average of 12 students with special educational needs per full time certified special eduction teacher or an average of 15 students, if a full time aide is provided.

(e) Level V may be considered appropriate for the student who has been identified through the educational assessment as having a handicapping condition in one or more of the following areas: cognitive, emotional, or physical, or all of these, and who requires a comprehensive special education setting for his entire school day in a special wing or day school. Services are provided in a comprehensive special education

setting which includes special equipment and related services. The maximum class size for Level V service for handicapped children shall be an average of six handicapped students with special educational needs per full time certified special education teacher or an average of nine if a full time aide is provided. The maximum class size for Level V service for children with significant physical impairments shall be an average of seven handicapped students per full time certified special education teacher and a full time aide.

(f) Level VI may be considered appropriate for the student who has been identified through the educational assessment as having a handicap in one or more of the following areas: cognitive, emotional, or physical, or all of these, and who requires 24 hour special education programming and personal care. Level VI is designed to provide instruction or treatment, or both, on a short or long-term basis in a residential setting, which includes a comprehensive special education program, special equipment, related services and 24-hour personal care. The maximum class size for Level VI service shall be an average of four handicapped students with special educational needs per full time certified or licensed professional or an average of seven, per class where an aide is present.

(4) Other Program Provisions.

(a) Home and hospital instruction is designed to provide short-

term itinerant instructional services to students with physical disabilities or in emotional crisis. Services provided include:

(i) Instructional service to the student who is being maintained at home or in a hospital for purposes of convalescence or treatment and is restricted by a physician for reasons of physical health from attending a school-based program. The period of time this program will be provided shall vary with the severity of the medical restrictions.

(ii) Instructional service to a student in emotional crisis who is being maintained at home or in a hospital shall be available only on an emergency basis. This service shall not exceed 60 consecutive school calendar days (minimum of six hours/week) pending placement in an established educational program.

(b) Early childhood programs are designed to provide a program of educational intervention directly to the handicapped child from birth through four years old, to the parent, or both. Levels of service as delineated above shall be available as appropriate. In addition, parent-infant programs using itinerant personnel may be provided. The itinerant teacher serves as a resource to the parent in suggesting activities which would enhance the child's development. The maximum case load for parent-infant service shall be 10 families to each full-time equivalent professional.

F. Nonpublic Institutions and Child Placement Approval Authority.

(1) The placement of handicapped children into programs offered by

approved nonpublic institutions shall be in accordance with Article 77, Section 106D, Annotated Code of Maryland, and the requirements in these regulations.

(2) Program Placement Approval.

(a) A handicapped child may be considered for placement into a nonpublic special education program when it is shown that an appropriate program of special education and related services for the child are not available in the local education agency or available free of charge in an appropriate State operated program. The services that are unavailable in the local school systems are provided as part of a special education program in an approved nonpublic institution. A determination that the necessary program is not available shall take into account all free special education services provided by other local or State agencies, or both, providing services are within commuting distance from the child's place of residence.

(b) The placement of a child in such an approved nonpublic special education program shall occur in a manner consistent with the identification, assessment, and placement of other handicapped children within the responsible local education agency. A child recommended for nonpublic placement shall be afforded all the rights provided by State and federal laws and their governing regulations.

(c) A handicapped child may be approved for nonpublic school program placement only by the State Department of Education and in accordance with these Regulations, subject to the provisions of Subsections 4 and 5 of Section F of this Regulation. All approved placements shall be for a period of not more than 1 year as specified in the approval instrument and are to be reviewed annually. The State Department of Education shall have the authority, subject to the provisions of this Regulation, to determine the nonpublic institution into which a child's placement may be approved, to approve the placement of a child into the program offered by that nonpublic institution, to approve the cost of the program, and to establish and authorize the allowable amounts of payment or reimbursement.

(d) In providing or arranging for special education services in an approved nonpublic special education program, the parents or guardians of the child shall be required to pay the following, (in accordance with their ability to pay as determined by the State Superintendent of Schools): raw food costs not normally provided in the public schools and an amount reasonably estimated to represent other costs which would normally be incurred by parents or guardians in caring for a child enrolled in a local public school and living at home.

(e) When it has been determined by the local ARD Committee and the State Department of Education on the basis of verified evidence that a child should not attend the appropriate local public school system special education program because of the condition of the child's home circumstances, the State Department of

Education may upon the request of the responsible local education agency approve the placement of a youngster in an alternate special education program in cooperation with the child's family and the appropriate State or local agency responsible for the child's care. The State Department of Education may authorize the reimbursement of the cost of the education program up to the amount equivalent to the cost of the school program he would have attended while living at home. The local education agency and the State Department of Education shall seek the support of other local and State agencies to provide any additional funds for the placement.

(3) Placement Eligibility Criteria.

(a) The child is determined by State-approved LEA procedures to be a handicapped child who is eligible for Level V services or a child eligible for Level VI services.

(b) The responsible LEA or State and local agencies, or both, singularly or in combination, cannot offer the appropriate special education and related services required to provide an appropriate program for the child.

(c) The child is being recommended for placement into a nonpublic special education program that is appropriate to his verified educational needs and is in the least restrictive appropriate setting.

(d) The LEA and parents, guardians, or surrogate shall adhere to the requirements of the appropriate State and Federal laws, regulations, administrative guidelines, and procedures set forth in administering the approval of a child's placement into a nonpublic special education program.

(4) Special Rules Applicable to Certain Nonpublic Placements

(a) The rules in this Subsection 4 of Section F of this Regulation applies to the approval of the placement of a child in a nonpublic program which meets both of these requirements:

(i) the cost of the program shall not require a contribution from the State in addition to that specified under Article 77, Section 106G-3(d)(a) or Section 106G-4(d)(2), Annotated code of Maryland.

(ii) the program is located in or within daily commuting distance from the child's place of residence.

(b) Notwithstanding other provisions of Section F of this Regulation local education agencies shall work cooperatively with nonpublic schools providing programs meeting the requirements of Section F(4)(a) of this Regulation. A local education agency may approve the placement of a handicapped child in a nonpublic facility that provides an appropriate program of special education services as defined in Section 13.04.01.02.C for the child and meets the requirements of Subsection (a). The State Department of Education will approve such a placement approved by the local education agency unless the State Department of Education identifies and approves a different placement (which the State Department of Education may require the local education agency to establish) upon the basis of a determination by the State Department of Education that the different placement will provide the child an appropriate education, that is less costly and provided in a less restrictive environment.

(c) A child who has been or is approved by the State Department of Education for a nonpublic placement meeting the requirements of Subsection (a) of this Section 13.04.01.06.F. (4) for the 1977-78 school year will continue to be approved for the same placement from year to year thereafter, as long as the nonpublic program continues to meet the requirements of Subsection (a), unless and until the local education agency or the State Department of Education identifies and approves a different placement (which the State Department of Education may require the local education agency to establish) upon the basis of a determination that the different placement will provide the child with an appropriate education that is less costly and provided in a less restrictive environment.

(d) The State Department of Education will not disapprove any nonpublic placement approved for a child by the local education agency pursuant to Subsections (b) or (c) of this Section 13.04.01.06.F (4) on the ground that the potential exists for the local education agency to establish an equally appropriate program for the child.

(e) If the State Department of Education disapproves a nonpublic placement approved by a local education agency under Subsections (b) and (c) of this Section 13.04.01.06.F (4) on the ground that some other placement

will provide the child with an appropriate program which is less costly and/or provided in a less restrictive environment, its determination in that regard will be subject to appeal by the parents or the local education agency under the state-level hearing procedures hereinafter set forth. At any such hearing, the State Department of Education shall bear the burden of proving that the other placement will provide the child with an appropriate program which is less costly and/or provided in a less restrictive environment.

(f) When a new placement is under consideration for a handicapped child, the State Department of Education will approve placement in a nonpublic program that does not meet the requirements of Subsection (a) only if it is shown that a free appropriate program is not available for the child in any local public facility or in a nonpublic facility meeting the requirements of Subsection (a). Children who are presently placed in nonpublic programs that do not meet the requirements of Subsection (a) may be transferred to fill vacancies arising in local public facilities providing free programs or in nonpublic facilities meeting the requirements of Subsection (a) if: (1) the public or nonpublic facility to which the child is to be transferred is staffed and

equipped to provide an appropriate program for the child and the public or nonpublic agency that operates the facility concurs in the proposed placement and (ii) the transfer of the child will not have serious adverse effects upon the child's education or physical, emotional, or cognitive development.

(5) Procedures

(a) Applications for approval of nonpublic placements will be made on forms prescribed by the State Department of Education. The forms and documentation required by the State Department of Education will be forwarded by the local education agency to the State Department of Education together with the recommendations of the local education agency and any approvals or disapprovals of placements sought under Subsections (b) and (c) of Section 13.04.01.06.F (4), within times prescribed by the State Department of Education. The local education agency will notify the parents, guardians or surrogates of such recommendations and approvals or disapprovals and the identity of all documents supplied to the State Department of Education, and will supply parents, guardians or surrogates with copies of all recommendations, approvals, disapprovals and documents, upon request, at actual cost. Parents, guardians or surrogates may supply the State Department of Education with additional information or documentation if they wish to do so.

(b) Parents, guardians, or surrogates will be advised of their hearing rights under this Subsection (b) and under Section 13.04.01.07. If requested, parents, guardians or surrogates shall be entitled to local level review under Section 13.04.01.07.A with respect to recommendations or decisions of the local education agency regarding nonpublic placements, but the decision at the local level hearing shall be subject to approval or disapproval by the State Department of Education under this Section 13.04.01.06.F. If this local level review is not requested, forms and documentation will be forwarded directly to the State Department of Education as provided in Subsection (a) above for approval or disapproval by the Department under this Section 13.04.01.06.F. The decisions of the State Department of Education with respect to nonpublic placements under this Section 13.04.01.06.F. shall be subject to State level procedures prescribed by Section 13.04.01.07.B, whether or not the decision was preceded by a local level hearing.

(c) The disapproval of a nonpublic placement that has been approved previously by the State Department of Education shall not be effective for a subsequent year until applications for administrative and judicial review prescribed by 20 USC 1415 or by Section 100A of Article 77 of the Maryland Code, if any, have resulted in a final decision.

.07 Hearing Procedures.

The following procedures are established to assure that handicapped children and their parents or guardians are guaranteed procedural safeguards with respect to their right to free appropriate public education.

A. Local Hearing Procedures.

(1) Each local education agency shall cooperate with parent(s) or guardian(s), or both, of handicapped children who are enrolled in or are in need of special education programs in all matters pertaining to the education and welfare of the child and in the full evaluation and exploration of educational placements for the child. The local education agency shall establish and implement hearing procedures when a request is made in writing, to review the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child.

(2) The local education agency through the responsible officials shall provide notice to the parent(s) or guardian(s) of a child in writing, which shall be in the parent's or guardian's primary language, (other than English if necessary and feasible) either delivered personnally or mailed by first class mail, postage prepaid, directed to their address as shown on the records of the school system in the following circumstances. Notice and consent by the parent(s) or guardian(s) are required before initiating assessment procedures, before initial placement of a child in a program providing special education

and related services, and before transferring a child from one program of special education to another significantly different program. Notice is also required in any other case in which the local education agency:

a. proposed to initiate or change, or

b. refuses a request by parent(s) or guardian(s) to initiate or change,

the identification, evaluation, or educational placement of the child or the provision of a free appropriate education for the child. Except in emergency situations governed by Section A, 2, below, the parent(s) or guardian(s) who so requests shall be given the opportunity to participate in an informal placement conference at a time before the implementation of any proposed placement action. These conferences may be scheduled either before or after formal notice is issued. In emergency situations governed by Section A, 2, below, an opportunity to participate in an informal conference immediately following the implementation of any emergency proposed placement action shall be afforded to the parent(s) or guardian(s). This requirement of an opportunity to consult should not be interpreted as inhibiting or discouraging earlier or more frequent consultations.

(3) The notices required by Section 2 shall be mailed at least 20 calendar days in advance of the proposed action except in emergency situations, where, in the opinion of one or more

local school officials at the principal level or higher, immediate implementation of a proposed placement action is necessary to protect the health or safety of the child or of other persons. In emergency situations, the notices shall be furnished as soon as possible but not later than the second school day following the placement action. A hearing will be scheduled within 20 calendar days, when requested by the parent(s) or guardian(s). The schedule for the decision and implementation shall be in accordance with Part 9 of this Section.

(4) The notice of the proposed placement action required by these regulations shall contain the following:

(a) A description of the proposed placement action and its effective date;

(b) A clear and concise statement of the reasons for the proposed action and a listing of any other possible appropriate actions, and a description of the records used as a basis for the decision;

(c) A statement that the parent(s) or guardian(s) have the right to be heard with regard to the proposed action by the person or persons designated as responsible for conducting a hearing;

(d) A description of the procedures for requesting this hearing, including an explanation that this hearing may be requested.

(e) A general statement of the procedures applicable to these hearings, including specific reference to the

rights afforded by this regulation and a statement that a complete copy of these regulations may be obtained at the local education agency office.

(5) Parent(s) or guardian(s) shall have the right to inspect and copy at reasonable times, both before any hearing and otherwise, all records of the local educational agency and its agents and employees, pertaining to the child, including all tests or reports upon which the proposed action may be based and such other relevant records pertaining to the proposed action as the school system may deem relevant.

(6) Parent(s) or guardian(s) shall have the right to be represented by counsel or other individuals at any stage during the hearing process.

(a) Parent(s) or guardian(s) shall have the right to obtain an independent assessment of the child, the expense of which is to be borne in accordance with applicable federal regulations. Parent(s) or guardian(s) shall also have the right to obtain an independent assessment at private expense. The results of these assessments must be considered by the local education agency in any placement decision and may be presented as evidence at a hearing under Section A, 7.

(b) The local education agency shall provide to parents, on request, information about where an independent assessment may be obtained.

(c) The local education agency shall inform the parent of any free or low-cost legal or other relevant services

available in the area.

(7) Hearings held pursuant to these regulations shall be conducted in accordance with the following minimum requirements:

(a) Parent(s) or guardian(s) shall have the opportunity to present competent and relevant evidence, including but not limited to the results of independent assessments; both in documentary form and through witnesses. The local education agency shall not be required to bear the responsibility for any fees which may be charged for evaluations or representation except as provided in these regulations and applicable federal law and regulations and locally established policy.

(b) Procedures shall be adopted affording parent(s) or guardian(s) the opportunity to require the attendance and testimony of employees of the local education agency who may have direct knowledge pertinent to the subject to the inquiry. In requiring employees to testify, parties to the hearing shall give consideration to minimizing interference with the regular duties of employees.

(c) Parent(s) or guardian(s) shall be afforded the opportunity to question witnesses called by the local education agency.

(d) A person who was directly responsible for the recommendation of the proposed action, or who has furnished significant advice or consultation in reference to the recommendation, may not serve as a hearing

officer or member of a hearing panel. The hearing officer, or persons included on the hearing panel, shall be knowledgeable in the fields and areas of significance to the educational review of the child. A hearing conducted pursuant to these regulations may not be conducted by the school board or by an individual who is an employee of the agency involved in any capacity other than as a hearing officer or who has any interest conflicting with objectivity.

(e) The hearing shall be closed unless the parent(s) or guardian(s) requests that the hearing be open. All persons present shall be identified for the record at the initiation of the hearing. Parents have the right to have their child attend.

(f) The local education agency shall arrange for a tape recording or other record of the hearing unless all parties agree that this record need not be made. Tape recordings or written records shall be made available upon request to parent(s) or guardian(s) appealing the decision at no more than the actual cost of duplication.

(g) The decision of the hearing officer or panel shall be based on the testimony and documented information on the record at the hearing, before the hearing officer.

(h) It shall be the initial responsibility of the party proposing any action to present evidence which supports its appropriateness. Evidence opposing the action shall then be

presented. The responsibility for explaining the initial placement recommendation shall be upon the local education agency. A placement shall be deemed appropriate if it provides special education and related services which: are provided at public expense, under public supervision and direction, and without charge; meet the standards of the state educational agency; are provided in conformity with the individualized education program; meet the educational needs of the child; and cannot be provided in any significantly less restrictive programs which would satisfy these needs equally well.

(i) The hearing officer or panel may request an independent assessment, which shall be at public expense.

(j) Parties shall have the right to prohibit the introduction of any evidence at a hearing that has not been disclosed to that party at least five days before the hearing.

(8) After a hearing has been requested and held in the manner provided, the parent(s) or guardian(s), or upon request, their counsel or representative of record, shall be informed in writing of the final decision, including a statement of the findings and conclusions upon which it is based. The findings and conclusions in any placement decision shall (a) specify the nature and severity of any handicaps the child has, (b) any special educational needs the child has as a result of those handicaps, and (c) any modification of the child's individualized

education program required to provide the child with an appropriate program to meet those needs, pursuant to Section A,6,h above and (d) shall identify a placement that will provide the child with the required appropriate program. The parent(s) or guardian(s) or their counsel or representative shall also be informed of their right to appeal, and the procedure for taking that appeal to the next highest authority. The hearing shall be held and the decision shall be made and written notice thereof provided within 45 calendar days from the request for the hearing. The hearing officer may grant an extension beyond this time-period at the request of either party, but the time may not be extended beyond 60 days.

(9) When a hearing is requested by parent(s) or guardian(s) concerning a proposed placement action and the child is at the time enrolled in a free educational program, the local education agency may not effect any change in the child's placement status without the consent of the parent(s) or guardian(s), or pursuant to a decision of the hearing officer or panel, whichever occurs first, except in emergency situations determined in accordance with Regulation .07A(3), above. The decision of the hearing officer or panel shall be implemented as soon as possible, but in any event within no sooner than 14 school days nor later than 30 school days after

the decision; provided, that during the pendency of appeals pursuant to Regulation .07B(2), and .07B(11), below, unless the State or local education agency and the parent(s) or guardian(s) otherwise agree, the child shall remain in the then current educational placement of this child.

(10) When a hearing is requested concerning a proposed placement action and the child is not currently receiving free educational services, the child shall be placed immediately if the parents consent and a special expedited hearing schedule shall apply. In these cases, the hearing shall be held 20 calendar days of request thereof; a written decision shall be issued within 15 calendar days of the hearing; and the decision shall be implemented within 15 school days of the decision unless specifically stayed pending appeal or otherwise by the hearing officer or panel; provided, that during the pendency of appeals pursuant to Regulation .07B(2) and .07B(11), below, unless the local education agency and the parent(s) or guardian(s) otherwise agree, the child shall remain in his or her then current educational placement, or, if the child is not yet receiving free educational services either because the parents did not consent to immediate placement pursuant to this subsection (10) or for any other reason, the child shall be placed in the local public school program until all these appeals have been concluded, if the parent(s) or guardian(s) consent.

(11) In any disciplinary case initially deemed to warrant suspension or expulsion pursuant to Article 77, Section 95, Annotated Code of Maryland, if credible evidence is presented as a result of the investigation provided for in Article 77, Section 95B, Annotated Code of Maryland to the local education agency indicating that the child may be handicapped and eligible for placement in a special education program, an evaluation of this child shall be initiated within 10 school days thereafter at the direction of the local education agency. An independent evaluation may be obtained by the parent(s) or guardian(s) of the child at their own expense. These evaluations shall be considered by the Admission, Review and Dismissal Committee. If it is established that the child is handicapped and that the handicapping condition was a significant cause of the behavior which prompted the disciplinary action, then any suspension or expulsion shall be reconsidered forthwith and further action with regard to placement of the child shall be considered and taken in accordance with these regulations. In all other respects, neither the provisions of .07, A., 3, 9, 10 thereof relative to the implementation of proposed placement actions in emergency situations nor the aforegoing, shall affect the continuing effectiveness of any action properly taken in the disciplinary proceedings pursuant to Article 77, Section 95, Annotated Code of Maryland, pending further action with regard to possible placement in a special education program in accordance with these regulations.

(12) Each board of education shall develop hearing procedures which, at a minimum, meet the requirements of these regulations and of appropriate federal regulations. If local procedures are not established within 60 days of the effective date of these regulations, these regulations and appropriate federal regulations shall apply directly in lieu of locally adopted procedures and until these procedures are adopted in accordance with these regulations.

B. State Hearing Procedures.

(1) When all local procedures for providing special education programs for a handicapped child by the local education agency have been exhausted, the local education agency or the parent(s) or guardian(s) of the child may request in writing from the State Board of Education a review of the case as it relates to the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child. Any such request for a review shall occur within 30 calendar days of the final decision of the local school system. Hearings regarding State Department of Education approval of nonpublic placements shall initiate at the State level. Requests for these hearings shall be made within 30 days following the decision of the State Department of Education. In cases which initiate at the State level, contents of notice requirements shall be as described in .07A3, above. The procedure established here shall be administered by the State Department of Education.

(2) Upon receipt of a written request for review, the State Department of Education shall provide an official application to the parent(s) or guardian(s) or local education agency.

(3) Review Hearing

(a) The decision of the State Hearing Review shall be rendered not later than 30 days after the receipt of the official application and supporting documents, including all education records of the child. A hearing or review officer may grant specific extensions of time beyond the 30-day period but in no instance may the time be extended beyond 60 days.

(b) The notice of the hearing shall include the time, date and place at which the review hearing will occur.

(4) Parent(s) or guardian(s) shall have the right to inspect and copy, at reasonable times all records of the State and local education agency, its agents and employees, pertaining to the child, including all documents which will be considered by the Hearing Review Board.

(5) Parent(s) or guardian(s) shall have the right to be represented by counsel or other individual(s) at any stage during the hearing process.

(6) The hearing shall be closed unless the parent(s) or guardian(s) requests that the hearing be open. Persons present at the request of the parent(s) or guardian(s) or the local board of education shall be identified at the initiation of the hearing. Parents have the right to have their child attend.

(7) Formal Hearing Procedures

(a) The Hearing Review Board, at the scheduled time, date, and place, may hear testimony from either of the parties pertaining to issues before it. Each side will be afforded a reasonable time to present its case.

(b) The decision of the Hearing Review Board shall be based on the information presented on the record at the State hearing.

(c) Parties to the hearing shall have the opportunity to present competent and relevant evidence, both in documentary form and through witnesses, and to require the attendance of State Department of Education and local school system employees who may have knowledge pertinent to the subject matter of the hearing.

(d) Parties to the hearing shall be afforded the opportunity to question and cross examine witnesses called by the Hearing Review Board or any other party at the hearing.

(e) Parties shall have the right to prohibit the introduction of any evidence at a hearing that has not been disclosed to that party at least five days before the hearing.

(f) Transcriptions of the proceedings shall be made available at a reasonable cost to the parent(s) or guardian(s), and local superintendent of schools within 45 calendar days. All requests for transcriptions shall be made in writing to the State Superintendent of Schools.

(8) A person may not serve as a hearing officer or member of a hearing review board who is a member of the local school board or an employee of an agency involved in the education or care of the child, or a full-time employee of the State Department of Education, or a member of the State Board of Education. A person may not serve as a member of a hearing review board who has participated in the previous assessment evaluation, provision of educational services, or in the decision process to deny services made by the local education agency, or who has an interest conflicting with objectivity. The Hearing Review Board shall consist of not less than three persons knowledgeable in the fields and areas significant to the educational review of the child. A chairperson of a hearing review board shall be knowledgeable in the field of special education and shall be appointed by the State Superintendent of Schools.

(9) The Hearing Review Board shall:

(a) Examine the entire hearing record;

(b) Insure that the procedures at the local hearing were consistent with the requirements of due process;

(c) Seek additional evidence if necessary;

(d) Have the authority to confirm, modify, reject, or prescribe alternate special education programs for the child based on the record before the Hearing Review Board.

(10) The Hearing Review Board shall have authority to require a complete and independent assessment, evaluation, and determination

of educational programs by qualified persons, the cost of which shall be paid by the State Board of Education.

(11) A final decision shall be rendered by a majority of the Hearing Review Board members. The decision shall specifically enumerate the findings and conclusion of the Hearing Review Board. The chairperson shall report the decision in writing and signed by the members of the Hearing Review Board to the State Department of Education within 5 calendar days following the hearing.

(12) The decision made by the reviewing official is final, unless a party brings a civil action.

(13) The State Superintendent of Schools or his designee shall notify the applicant in writing of the State Hearing Review Board's decision, within 5 calendar days after the rendering of the decision by the Hearing Review Board.

(14) An appeal of the decision of the Hearing Review Board may be made to the Circuit Court for the county in which the child resides or, if the child resides in Baltimore City, to any one of three common law courts of the Supreme Bench as provided by law. An appeal may also be made to a district court of the United States without regard to the amount in controversy. If the decision of the Hearing Review Board is not fully implemented, the aggrieved party may enforce it through a proceeding in the appropriate court.

Resolution

Maryland State Board of Education

October 26, 1977

Resolution No. 1977-50 Re: Priorities for Special Education Services

RESOLVED, That pursuant to the recommendations of the Governor's Commission on Funding the Education of Handicapped Children as reflected in Chapter 240 of the Acts of the General Assembly of Maryland 1976, the Maryland State Board of Education adopts the following principles and instructs the Maryland State Department of Education to use them as a guide in reviewing annual local school system special education program plans so that appropriate services are being provided to those in need not later than FY'1981 in the following order:

1. That special education services be provided to handicapped children of school age (5 through 20) who are in need of special education services and are not now receiving a reasonably appropriate program.

2. That special education services be provided to handicapped pre-schoolers ages 3 and 4 in need of such services; and

3. That special education services be provided to handicapped preschoolers ages 0-2 and program improvements be made in programs for children receiving special education services.

APPENDIX E

CRITERIA AND GUIDELINES
LOCAL EDUCATION AGENCY CHILD FIND PLAN

The Maryland State Department of Education (MSDE) requests all local education agencies (LEAs) to adhere to the criteria specified below in the submission of plans for the identification, location and evaluation (Child Find) of handicapped children through age 20.

CRITERIA

1. Documentation of public awareness activities to be implemented to ensure mass coverage of the LEA concerning Child Find. There must be an indication of awareness techniques which are sufficient to saturate the geographic area.
2. Designation of bona fide agent(s) within the LEA to be responsible for information and referral concerning identified unserved handicapped children.
3. Delineation of the system for handling assessment and evaluation of children believed to be handicapped.
4. Specification of the system to be employed regarding ensuring the confidentiality of information on identified handicapped children.
5. Documentation of interagency collaboration to be utilized in the Child Find program.
6. Specified mechanism for documenting to MSDE the number and source of initial referrals of handicapped children. (This activity will be in addition to information on children diagnosed as handicapped entered into the MSDE's Information Management System by the LEA.)
7. Specification of procedures to be used for the evaluation of the LEAs Child Find activities.

GUIDELINES

The guidelines included herewith are provided to assist LEAs in delineating plans for Child Find during 1977-78. LEA Child Find plans should follow the guideline format, i.e., A.1. Needs, A.2. Audience, A.3. Techniques.

A. Public Awareness

1. Needs

Briefly indicate the unmet needs within your LEA for stimulating public awareness about the identification of unserved handicapped children.

2. Audience

Indicate to what audience you will direct your awareness campaign. (Check those that apply.)

Check	Audience	Check	Audience
_____	Parents	_____	Community Agencies
_____	General Public	_____	Medical Community
_____	Public School Staff	_____	Professional Specialists
_____	Private School Staff	_____	Other (Specify)

3. Techniques

Please check as applicable for the kind of audience you must reach, the time, money and resources available in your LEA. Significant coverage is required.

Options	Paid	Unpaid
Radio	____	_____
Television	____	_____
Newspaper	____	_____

Letter to Parents _____

Hotline _____

Flyers _____

Pamphlets _____

Presentations _____

Stuffers (Utility Companies, Supermarkets, etc.) _____

Fact Sheets _____

Displays _____

Speakers' Bureau _____

If you are currently using any of the above, please indicate which has been the most effective for your awareness program.

B. Information and Referral

1. Personnel

Please designate the bona fide agent(s) to be responsible for handling information and referral of children identified through the Child Find process.

Personnel	Affiliation	% of Time
_____	_____	_____
_____	_____	_____
_____	_____	_____

2. Methods and Procedures

Briefly provide documentation of your information (intake) and referral/screening and assessment procedures from the point when a contact is made with the LEA, the initial screening process and follow-up procedures. Detail personnel to be involved, their specific activities and timelines.

C. Interagency Collaboration and Involvement

Please specify the other agencies which presently do or will collaborate with your agency in the Child Find program and indicate the services to be expected.

Agencies	Services
_____	_____
_____	_____
_____	_____

D. Parent Involvement

Describe the manner in which parents will be involved in the identification, location and evaluation of children referred. Cite specific steps and activities.

E. Confidentiality of Information

Indicate the general procedures to be incorporated in the collection and transfer of information by your LEA regarding children referral.

F. Mechanism for Collection of Data in Initial Information and Referral

Indicate the system (forms may be attached) to be used in recording the kind, number and source of referrals.

G. Procedures for Follow-up

Specify the procedures your LEA will use for follow-up of children referred.

H. Procedures for Evaluation of Initial Child Find Program

Please indicate how you plan to evaluate the effectiveness of the Awareness Campaign. Examples of factors you may wish to include are: number of new referrals, client satisfaction, familiarity of audience with Child Find information and services, follow-up procedures.

I. Budget

Please provide a breakdown of the monies to be expended in your Child Find program for 1977-78.

Major Categories	P.L. 94-142 Pass-Through Funds	Local Funds
Personnel	_____	_____
Materials	_____	_____
Contractual Services	_____	_____

APPENDIX F

MSDE Monitoring and Evaluation

Forms and Procedures

1978

MARYLAND

SPECIAL EDUCATION

MONITORING AND EVALUATION

SITE VISIT

MANUAL

I. Purpose

Public Law 94-142 requires that the State Education Agency evaluate the effectiveness of local education agency programs in meeting the needs of handicapped children. The regulations (121a.601) state:

> Each State educational agency shall:
> (a) Undertake monitoring and evaluation activities to insure compliance of all public agencies within the State with the requirements of Subparts C,D, and E.
> (b) Develop procedures (including specific timelines)for monitoring and evaluating public agencies involved in that education of handicapped children. These procedures must include:
> (1) Collection of data and reports;
> (2) Conduct of onsite visits
> (3) Audit of Federal fund utilization; and
> (4) Comparison of a sampling of individualized education programs with the programs actually provided.

In addition, Maryland Law requires the State Education Agency to monitor all special education programs. These requirements are based on:

1. Sections 106D and 106G of the Public School Laws of Maryland, codified under Article 77 of the Annotated Code of Maryland.

2. State Bylaw 13.04.01 "Programs for Handicapped Children"

3. Maryland Amended Annual Program Plan, Part B of the Education of the Handicapped Act as amended by Public Law 94-142.

In response to these mandates a systematic and comprehensive evaluation and monitoring system has been developed by the Maryland State Department of Education. The Site Visit is one facet of this overall system. The purposes of the monitoring and evaluation site visit are:

1. to determine the degree of local and State compliance with the policies, standards and guidelines set forth in the local and State annual program plans,

2. to determine the areas of necessary change of handicapped children's services and resources within the 24 LEAs to formulate the basis for provision of technical and

programmatic assistance as well as personnel development,

3. to provide a basis for the ongoing planning and quality improvement of special education programs in the 24 LEAs and,

4. to determine the service delivery systems which provide the most effective services at the least cost.

II. Review Components

The Maryland Special Education Monitoring and Evaluation Site Visit involves three components:

1. Administrative Policies and Procedures Review

This consists of a review of policies and procedures followed at the local level in compliance with Federal and State requirements in the field of special education. Prior to the Site Visit, the local education agency will conduct its own self-evaluation by means of the Administrative Policies and Procedures Checklist (APPC). This internal review will be followed by the external review conducted by the Maryland State Department of Education Monitoring Team on the occasion of the Site Visit. The areas covered by the APPC are:

- o Child Identification
- o Confidentiality
- o Full Educational Opportunities
- o Personnel Development
- o Priorities
- o Least Restrictive Environment
- o Public Control of Funds
- o Excess Cost
- o Nonsupplanting
- o Comparable Services
- o Information - Reports
- o Public Participation
- o Individualized Education Programs
- o Procedural Safeguards
- o Protection in Evaluation Procedures
- o Private Schools
- o Program Evaluations
- o Vocational Education

2. Individual Case Review

This consists of a review of randomly selected cases in the local education agency, ranging according to services level, school level and grade level. Prior to the Site Visit, the local education agency may conduct its own self-evaluation by means of the Individual Case Review Checklist (ICRC).

The Maryland State Department of Education Monitoring Team will conduct an individualized case review on the occasion of the Site Visit. The Individualized Case Review Checklist addresses those issues of Administrative Policies and Procedures which relate to the initiation, development and implementation of an individualized special education program.

3. Federal Project Review

This consists of a review of the operation of selected Federal projects - Part B Discretionary, Part B Pass Through and Title I. The specific projects to be reviewed will be selected by the MSDE. Prior to the Site Visit, the local education agency will conduct its own self-evaluation by means of the Federal Project Review Form (FPRF). This internal review of the project will be followed by the external review conducted by the MSDE Monitoring Team on the occasion of the Site Visit. The major elements of this review are:

- o Project Personnel
- o Project Objectives and Activities
- o Dissemination
- o Budget - Finance
- o Screening Evaluation
- o Recommendations

III. Process

The various steps envisioned in the monitoring process are outlined in Figure 1. The first of these steps is the training of appropriate staff to perform the reviews on the local and State level.

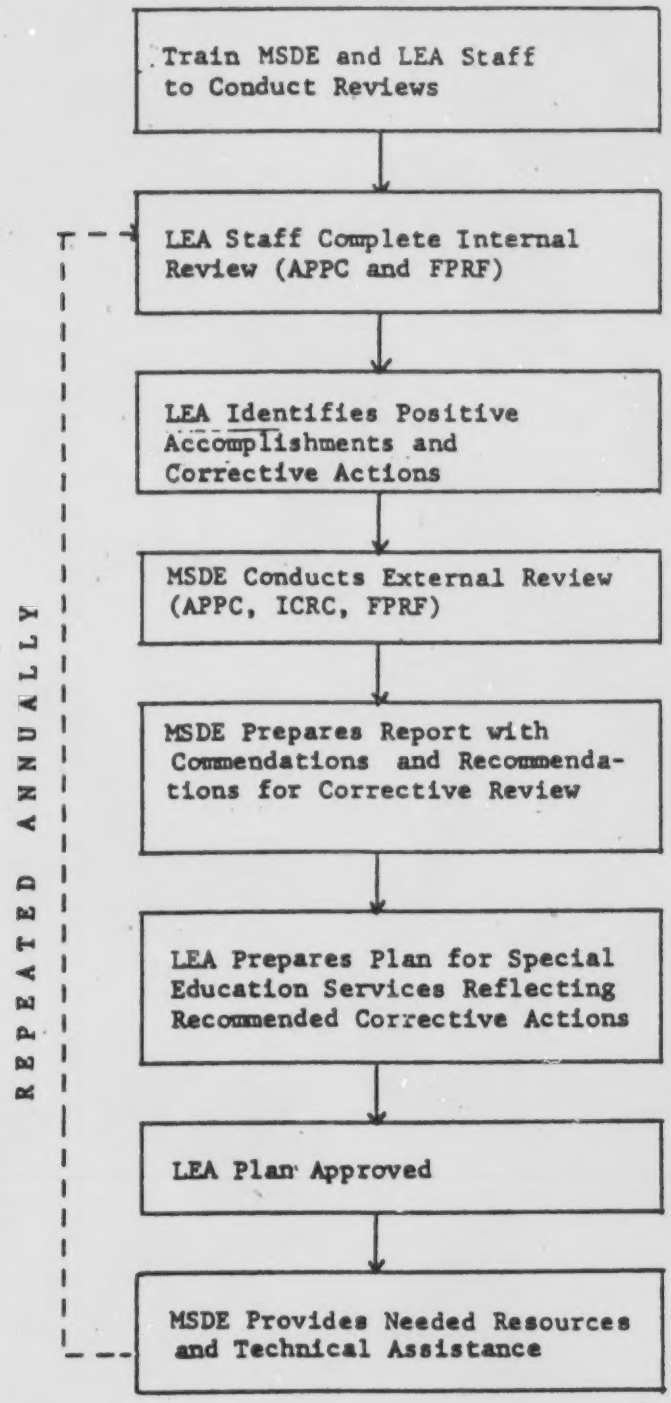
The local educational agency will then conduct its own internal review employing the Administrative Policies and Procedures Checklist (APPC) and the Federal Project Review Form (FPRF). In so doing, the agency will identify all positive accomplishments as well as corrective actions needed.

The MSDE Monitoring Team will then conduct the external review on the occasion of a Site Visit. The team will consist of no less than three members, representing both State and local agencies. Upon the conclusion of their visit, the Monitoring Team will prepare a report containing commendations and recommendations for corrective action.

The local education agency will then prepare a Plan for Special Education Services, reflecting the recommended corrective actions.

Figure 1

Internal and External Programmatic Monitoring Process


Train MSDE and LEA Staff to Conduct Reviews
LEA Staff Complete Internal Review (APPC and FPRF)
LEA Identifies Positive Accomplishments and Corrective Actions
MSDE Conducts External Review (APPC, ICRC, FPRF)
MSDE Prepares Report with Commendations and Recommendations for Corrective Review
LEA Prepares Plan for Special Education Services Reflecting Recommended Corrective Actions
LEA Plan Approved
MSDE Provides Needed Resources and Technical Assistance
REPEATED ANNUALLY

The MSDE, upon approval of the Plan, will seek to provide the resources and technical assistance needed.

The following overall procedures are to be followed:

A. Preliminary Preparations

1. Approximately six weeks prior to the site visit, the local Superintendent and the Supervisor of Special Education will be notified in writing as to: 1) the dates of the visit, 2) the members of the Monitoring team, 3) the specific federal project(s) to be reviewed, and 4) the review instruments.

2. Upon completion of these instruments (APPC, FPRF), the local education agency will forward six copies to Mr. Jerry White, Division of Special Education, MSDE, P.O. Box 8717, BWI Airport, Baltimore, Maryland 21240. This should be submitted two weeks before the site visit.

3. In addition to the completed instruments, the local agency should also forward in advance: 1) maps indicating the location of the monitoring sites, 2) an administrative structure chart with names of key administrative personnel in the school system, 3) any other information deemed appropriate by the local agency.

4. Two weeks before the scheduled visit, the Chairperson of the Monitori Team will notify the LEA of no less than two specific schools that th team wishes to visit. This visit will center around the Individual Case Review Checklist. On the morning of the first day, the LEA Supervisor will be given a list of individual cases (SSIS soundex num that should be made available to the team when it arrives at the scho in the afternoon. The LEA should make arrangements for the Monitorin Team to visit schools within the county on the afternoon of the first day.

5. On the day of the visit, the local agency should have available copies of the Child Find Plan, Local Comprehensive Plan, Local Application, and documentation for all questions on page 14 of the APPC.

6. On the day of the visit, the local agency shall also have available descriptions of the procedures (including forms) utilized in:

- o parental consent
- o child find
- o development of IEP
- o confidentiality
- o program change/dismissal
- o procedural safeguards
- o other appropriate procedures

7. Arrangements for lunch on each of the two days shall be coordinated with the Chairperson of the Monitoring Team. The local agency will <u>not</u> be expected to provide lunch.

B. Site Visit

1. First Day

a. 9:00 a.m. The site visit will begin at 9:00 a.m. The first hour will be a time for local personnel to present an overview of their special education activities, including, but not limited to, a brief listing of their development, the impact of P.L. 94-142 on their system, a description of their continuum of alternative special education placements and their plans for the future.

b. 10:00 a.m. The remainder of the morning will be directed to the Administrative Policies and Procedures Review.

c. 12:00 noon - Lunch

d. 1:00 p.m. The team will be divided into groups and visit selected schools to review a randomly selected sample of student records in accordance with the Individual Case Review Checklist.

e. 4:00 p.m. The team will reconvene privately for a summary review of their findings.

2. Second Day

a. 9:00 a.m. The Monitoring Team will meet preferably at the site of the federal project to be reviewed. During the first hour, the agency will have the opportunity to describe the background and present status of the federal project. This could be followed by a tour of the facilities and/or discussions with project personnel. The Federal Project Review will begin thereafter, involving project staff.

b. 12:00 noon - Lunch

c. 1:00 p.m. The Federal Project Review will continue.

d. 3:00 p.m. The Monitoring Team will convene for a private session in order to review their findings.

e. 3:30 p.m. The Monitoring Team will meet with local administrative personnel (Superintendent, Supervisor, et al) for a preliminary, oral report of the two day visit.

C. Follow-up Activities

1. Approximately three weeks after the visit, a written report will be completed by the Chairperson of the Monitoring Team and submitted to the LEA Superintendent by the Assistant State Superintendent of Special Education.

2. Within two months after receipt of the follow-up report, the local agency will submit to the Assistant State Superintendent for Special Education a Plan for Special Education Services reflecting recommended corrective action.

3. The State Educational Agency shall review and approve the Plan, while seeking to assist with whatever resources and technical aid might be necessary.

ADMINISTRATIVE POLICIES

AND

PROCEDURES CHECKLIST

(APPC)

Maryland State Department of Education
Division of Special Education
January, 1978

ADMINISTRATIVE POLICIES AND PROCEDURES CHECKLIST

Local Education Agency:_____

School Year: _____

LEA Self-Evaluation

Date Completed:_____

LEA Team Members

(1) Director/Supervisor of Special Education _____

OTHER MEMBERS

	Position	Name
(2)	_____	_____
(3)	_____	_____
(4)	_____	_____
(5)	_____	_____
(6)	_____	_____
(7)	_____	_____
(8)	_____	_____

MSDE Site Review

Date Completed:_____

MSDE Monitoring Team Members

(1) Chairperson _____

(2) Regional Administrator_____

OTHER MEMBERS

	Position	Name
(3)	_____	_____
(4)	_____	_____
(5)	_____	_____
(6)	_____	_____

Question	Response: Agency Self-Evaluation		Response: M.S.D.E. Monitoring Team		Comment
A. CHILD IDENTIFICATION	YES	NO	YES	NO	
1. Were all the "awareness" techniques identified in your Child Find Plan used?	( )	( )	( )	( )	
2. Do you have a staff member assigned permanently (full or half time) to function as the initial intake agent?	( )	( )	( )	( )	
3. Do you have a publicized telephone number to call for child identification?	( )	( )	( )	( )	
4. Does your LEA have positive interagency cooperation in child find referrals and follow-up?	( )	( )	( )	( )	
5. Are all children who have been identified as needing special education services, regardless of age, entered into the Special Services Information System?	( )	( )	( )	( )	
B. CONFIDENTIALITY					
1. Does the LEA have an established procedure for insuring confidentiality of information?	( )	( )	( )	( )	
2. Does the LEA keep a record of parties who obtain access to educational records collected, maintained, or used?	( )	( )	( )	( )	

Question	Response: Agency Self-Evaluation		Response: M.S.D.E. Monitoring Team		Comment
CONFIDENTIALITY (CONT'D)	YES	NO	YES	NO	
3. Does the LEA permit parents to inspect and review any educational records relating to their children which are collected, maintained, or used by the agency?	( )	( )	( )	( )	
4. Is parental consent obtained before personally identifiable information is disclosed to persons outside of the LEA?	( )	( )	( )	( )	
5. Is parental consent obtained before personally identifiable information is used for any purpose other than developing/implementing the child's IEP?	( )	( )	( )	( )	
6. Does the LEA inform parents when personally identifiable information is no longer needed to provide educational services to the child so that it can be destroyed at the parents' request?	( )	( )	( )	( )	

Question	Response: Agency Self-Evaluation YES	Agency Self-Evaluation NO	M.S.D.E. Monitoring Team YES	M.S.D.E. Monitoring Team NO	Comment
C. FULL EDUCATIONAL OPPORTUNITIES	YES	NO	YES	NO	
1. Is the LEA on schedule for meeting the full educational opportunities' goal as reported in the local Comprehensive Plan for Special Services (Form I-H)? If no, check the deficient resources and/or the age groups for which services are lacking and comment on the nature of the deficiency (e.g. teacher, aides, diagnostic staff, severely and profoundly handicapped preschool programs, etc.).	( )	( )	( )	( )	
Resources					
a. Teachers	( )	( )	( )	( )	
b. Support Personnel	( )	( )	( )	( )	
c. Inservice Training	( )	( )	( )	( )	
d. Facilities and/or Equipment	( )	( )	( )	( )	
e. Materials	( )	( )	( )	( )	
f. Other, Specify _____	( )	( )	( )	( )	
_____	( )	( )	( )	( )	
_____	( )	( )	( )	( )	
Age Groups:					
0-2 years	( )	( )	( )	( )	
3-4 years	( )	( )	( )	( )	
5-20 years	( )	( )	( )	( )	

Question	Response: Agency Self Evaluation — Regular Schools YES	Regular Schools NO	Special Center YES	Special Center NO	MSDE Monitoring Team — Regular Schools YES	Regular Schools NO	Special Center YES	Special Center NO	Comment
C. FULL EDUCATIONAL OPPORTUNITIES (CONT'D)									
2. Which of the following program options are currently provided and made available to all handicapped pupils placed in regular schools and/or special centers? (Please provide a comment for each No response)									
Program Options:									
a. Art	( )	( )	( )	( )	( )	( )	( )	( )	
b. Music	( )	( )	( )	( )	( )	( )	( )	( )	
c. Industrial Arts	( )	( )	( )	( )	( )	( )	( )	( )	
d. Consumer & Homemaking Education	( )	( )	( )	( )	( )	( )	( )	( )	
e. Vocational Education	( )	( )	( )	( )	( )	( )	( )	( )	
f. Career Education	( )	( )	( )	( )	( )	( )	( )	( )	
g. Physical Education	( )	( )	( )	( )	( )	( )	( )	( )	
h. Work Study Programs	( )	( )	( )	( )	( )	( )	( )	( )	
i. Other, Specify _____	( )	( )	( )	( )	( )	( )	( )	( )	
_____	( )	( )	( )	( )	( )	( )	( )	( )	
_____	( )	( )	( )	( )	( )	( )	( )	( )	

Question	Response: Agency Self Evaluation — Regular Schools YES	Regular Schools NO	Special Center YES	Special Center NO	MSDE Monitoring Team — Regular Schools YES	Regular Schools NO	Special Center YES	Special Center NO	Comment
C. FULL EDUCATIONAL OPPORTUNITIES (CONT'D)									
3. Which of the following nonacademic services are currently provided and made available to all handicapped pupils placed in regular schools and/or special centers? (Please provide a comment for each No response.)									
Nonacademic Service:									
a. Direct Counseling Service	( )	( )	( )	( )	( )	( )	( )	( )	
b. Athletics	( )	( )	( )	( )	( )	( )	( )	( )	
c. School Health Services	( )	( )	( )	( )	( )	( )	( )	( )	
d. Extracurricular Activities (e.g. special interest groups)	( )	( )	( )	( )	( )	( )	( )	( )	
e. Social work services	( )	( )	( )	( )	( )	( )	( )	( )	
f. Other, Specify _____	( )	( )	( )	( )	( )	( )	( )	( )	
_____	( )	( )	( )	( )	( )	( )	( )	( )	
_____	( )	( )	( )	( )	( )	( )	( )	( )	

Question	Response: Agency Self Evaluation — Regular Schools		Agency Self Evaluation — Special Center		MSDE Monitoring Team — Regular Schools		MSDE Monitoring Team — Special Center		Comment
C. FULL EDUCATIONAL OPPORTUNITIES (CONT'D)	YES	NO	YES	NO	YES	NO	YES	NO	
4. Which of the following "related services" are currently provided and made available to all handicapped pupils placed in regular schools and/or special education centers? (Please provide a comment for each No response.)									
a. Transportation	( )	( )	( )	( )	( )	( )	( )	( )	
b. Speech Pathology	( )	( )	( )	( )	( )	( )	( )	( )	
c. Audiology	( )	( )	( )	( )	( )	( )	( )	( )	
d. Psychological Services	( )	( )	( )	( )	( )	( )	( )	( )	
e. Physical Therapy	( )	( )	( )	( )	( )	( )	( )	( )	
f. Occupational Therapy	( )	( )	( )	( )	( )	( )	( )	( )	
g. Recreation	( )	( )	( )	( )	( )	( )	( )	( )	
h. Early Identification and Assessment of Disabilities	( )	( )	( )	( )	( )	( )	( )	( )	
i. Counseling Services	( )	( )	( )	( )	( )	( )	( )	( )	
j. Medical Services for Diagnostic or Evaluation Purposes	( )	( )	( )	( )	( )	( )	( )	( )	
k. Parent Counseling and/or Training	( )	( )	( )	( )	( )	( )	( )	( )	

Question	Response: Agency Self-Evaluation		Response: M.S.D.E. Monitoring Team		Comme
D. PERSONNEL DEVELOPMENT	YES	NO	YES	NO	
1. Does the LEA have a prioritized list of personnel preparation needs? If Yes, please list under "Comment" the priorities.	( )	( )	( )	( )	

Question	Response: Agency Self-Evaluation				Response: M.S.D.E. Monitoring Team				Comment
PERSONNEL DEVELOPMENT (CONT'D)	Requested		Provided		Requested		Provided		
2. Check each of the following areas for which training assistance has been requested and/or provided. Please list under "Comments" where the resource is other than the MSDE:	MSDE	LEA or Other	Yes	No	MSDE	LEA or Other	Yes	No	
a. Development and Implementation of IEPs in Special Education Programs.	( )	( )	( )	( )	( )	( )	( )	( )	
b. Implications of P.L. 94-142.	( )	( )	( )	( )	( )	( )	( )	( )	
c. Assessment and delivery of services to handicapped students in regular classrooms.	( )	( )	( )	( )	( )	( )	( )	( )	
d. Programming in secondary education (including vocational education) for handicapped students in regular and special education.	( )	( )	( )	( )	( )	( )	( )	( )	
e. Strategies for transportation of handicapped students.	( )	( )	( )	( )	( )	( )	( )	( )	
f. Effective programming for severely/multiply handicapped students.	( )	( )	( )	( )	( )	( )	( )	( )	
g. Methods for Behavior Management.	( )	( )	( )	( )	( )	( )	( )	( )	
h. Program Evaluation for administrators, supervisors, and program planners.	( )	( )	( )	( )	( )	( )	( )	( )	
i. Methods for the development of motor skills.	( )	( )	( )	( )	( )	( )	( )	( )	

Question	Response: Agency Self-Evaluation				Response: M.S.D.E. Monitoring Team				Comment
	Requested		Provided		Requested		Provided		
	MSDE	LEA or Other	Yes	No	MSDE	LEA or Other	Yes	No	
D. PERSONNEL DEVELOPMENT (CONT'D)									
j. Parent Education Training for professionals relative to educating parents.	( )	( )	( )	( )	( )	( )	( )	( )	
k. Other, Specify:									
_____	( )	( )	( )	( )	( )	( )	( )	( )	
_____	( )	( )	( )	( )	( )	( )	( )	( )	
_____	( )	( )	( )	( )	( )	( )	( )	( )	
_____	( )	( )	( )	( )	( )	( )	( )	( )	

Question	Response: Agency Self-Evaluation		Response: M.S.D.E. Monitoring Team		Comment
E. PRIORITIES	YES	NO	YES	NO	
1. Are services being provided (and planned for) consistent with each of the following two requirements?					
a. By September 1, 1975, all handicapped children, ages 5-20, shall have available to them a free appropriate public education.	( )	( )	( )	( )	
b. By September 1, 1980, all handicapped children through age 20, shall have available to them a free appropriate education.	( )	( )	( )	( )	
2. Indicate below the date by which you plan to serve all 3 and 4 year old handicapped children.					
a. September 1, 1978	( )	( )	( )	( )	
b. September 1, 1979	( )	( )	( )	( )	

Question	Response: Agency Self-Evaluation		Response: M.S.D.E. Monitoring Team		Comment
F. LEAST RESTRICTIVE ENVIRONMENT	YES	NO	YES	NO	
1. Has the LEA established a procedure which ensures that handicapped children are removed from the regular educational environment only when the nature or severity of the handicap is such that education in regular classes, with the use of supplementary aids and services cannot be achieved satisfactorily?	( )	( )	( )	( )	
2. Has this procedure been implemented?	( )	( )	( )	( )	
3. Is a continuum of alternative placements available which include the following services?					
a. General Education	( )	( )	( )	( )	
b. Diagnostic/Prescriptive	( )	( )	( )	( )	
c. Itinerant	( )	( )	( )	( )	
d. Resource Room	( )	( )	( )	( )	
e. Structured Learning Environment	( )	( )	( )	( )	
f. Special School or Center	( )	( )	( )	( )	
g. Residential	( )	( )	( )	( )	
h. Home and Hospital	( )	( )	( )	( )	
i. Other, Specify _____	( )	( )	( )	( )	
_____	( )	( )	( )	( )	
4. Has the LEA established a procedure to ensure that handicapped children participate with nonhandicapped children in non-academic and extracurricular services to the maximum extent appropriate to the needs of the individual child?	( )	( )	( )	( )	
5. Has this procedure been implemented?	( )	( )	( )	( )	

Question	Response: Agency Self-Evaluation YES	Agency Self-Evaluation NO	M.S.D.E. Monitoring Team YES	M.S.D.E. Monitoring Team NO	Comment
G. PUBLIC CONTROL OF FUNDS					
1. Are procedures established for an independent internal audit of special education expenditures?	( )	( )	( )	( )	
2. Does the LEA maintain control of all funds and title to all property (e.g. equipment) acquired with Part B funds?	( )	( )	( )	( )	
H. EXCESS COST					
Does the LEA maintain records to assure that Part B funds are used only for excess cost according to the Guidelines for Special Education Financial Accounting and Reporting - Federal Funding Requirements?	( )	( )	( )	( )	
I. NONSUPPLANTING					
Does the LEA maintain records to assure maintenance of effort with local and state funds?	( )	( )	( )	( )	
J. COMPARABLE SERVICES					
Are comparable services provided to all children with the same handicap throughout the LEA?	( )	( )	( )	( )	

Question	Response: Agency Self-Evaluation		Response: M.S.D.E. Monitoring Team		Comment
X. INFORMATION - REPORTS	YES	NO	YES	NO	
1. Are each of the following reports submitted regularly to MSDE in keeping with the requirements of P.L. 94-142 and state law?					
a. Local Comprehensive Plan for Special Education Services.	( )	( )	( )	( )	
b. Child Find Plan.	( )	( )	( )	( )	
c. Child Find quarterly reports to MSDE	( )	( )	( )	( )	
d. SSIS Forms.	( )	( )	( )	( )	
e. Local Application for P.L. 94-142.	( )	( )	( )	( )	
f. Federal Project Application(s) - P.L. 94-142.	( )	( )	( )	( )	
g. Quarterly/Annual Financial Reports.	( )	( )	( )	( )	
h. Applications for Nonpublic School Placements.	( )	( )	( )	( )	
i. Annual Financial Report (Local, State, and Federal Funds).	( )	( )	( )	( )	
j. P.L. 89-313, Project Application.	( )	( )	( )	( )	
k. P.L. 89-313, ADA Count.	( )	( )	( )	( )	

Question	Response: Agency Self-Evaluation YES	Agency Self-Evaluation NO	M.S.D.E. Monitoring Team YES	M.S.D.E. Monitoring Team NO	Comment
INFORMATION - REPORTS (CONT.)					
2. Is documentation available to substantiate the information submitted in each of the following reports?					
a. Local Comprehensive Plan for Special Education Services.	( )	( )	( )	( )	
b. Child Find Plan.	( )	( )	( )	( )	
c. Child Find quarterly reports to MSDE.	( )	( )	( )	( )	
d. SSIS Forms.	( )	( )	( )	( )	
e. Local Application for P.L. 94-142.	( )	( )	( )	( )	
f. Federal Project Application(s) - P.L. 94-142.	( )	( )	( )	( )	
g. Quarterly/Annual Financial Reports.	( )	( )	( )	( )	
h. Applications for Nonpublic School Placements.	( )	( )	( )	( )	
i. Annual Financial Report (Local, State, and Federal Funds).	( )	( )	( )	( )	
j. P.L. 89-313, Project Application.	( )	( )	( )	( )	
k. P.L. 89-313, ADA Count.	( )	( )	( )	( )	

Question	Response: Agency Self-Evaluation YES	Agency Self-Evaluation NO	M.S.D.E. Monitoring Team YES	M.S.D.E. Monitoring Team NO	Comment
L. PUBLIC PARTICIPATION					
1. Are copies of the Local Application for P.L. 94-142 and the Local Comprehensive Plan for Special Education Services and related documents made to parents and the general public?	( )	( )	( )	( )	
2. Are all evaluations and reports required by P.L. 94-142 made available to parents and the general public?	( )	( )	( )	( )	
M. INDIVIDUALIZED EDUCATION PROGRAM					
1. Prior to Special Education placement, is an individualized education program (IEP) in effect for every identified handicapped child?	( )	( )	( )	( )	
2. Are the children initially placed only after the recommendation of the Admissions, Review and Dismissal Committee?	( )	( )	( )	( )	
3. Do the participants in the meeting to develop or revise the IEP include:					
a. The child's teacher(s)?	( )	( )	( )	( )	
b. A representative of the local school system other than the child's teacher who is knowledgeable about special education?	( )	( )	( )	( )	
c. One or both of the child's parents (when they choose to attend)?	( )	( )	( )	( )	
d. The child, where appropriate?	( )	( )	( )	( )	

Question	Response: Agency Self-Evaluation YES	Agency Self-Evaluation NO	M.S.D.E. Monitoring Team YES	M.S.D.E. Monitoring Team NO	Comment
M. INDIVIDUALIZED EDUCATION PROGRAM (CONT.)					
4. Are detailed records available to insure that parental participation in the IEP development process was solicited?	( )	( )	( )	( )	
5. Is the IEP:					
a. Developed in a meeting held within 30 calendar days of a determination that a child needs special education and related services?	( )	( )	( )	( )	
b. Reviewed/revised annually?	( )	( )	( )	( )	
6. Is an evaluation of the child conducted every three years, or more frequently if conditions warrant, or if the parents or teacher requests an evaluation?	( )	( )	( )	( )	
7. Does the IEP contain:					
a. A statement of present levels of educational performance?	( )	( )	( )	( )	
b. Annual goals?	( )	( )	( )	( )	
c. Short Term objectives?	( )	( )	( )	( )	
d. Services to be provided?	( )	( )	( )	( )	
e. Extent to which child will be able to participate in regular program?	( )	( )	( )	( )	
f. Projected dates for initiation?	( )	( )	( )	( )	
g. List of individuals responsible for implementation?	( )	( )	( )	( )	

Question	Response: Agency Self-Evaluation YES	Agency Self-Evaluation NO	M.S.D.E. Monitoring Team YES	M.S.D.E. Monitoring Team NO	Comment
M. INDIVIDUALIZED EDUCATION PROGRAM (CONT'D)					
h. Anticipated duration of the services?	( )	( )	( )	( )	
i. Evaluation criteria and procedures?	( )	( )	( )	( )	
8. When a handicapped child is placed in a private school or agency, do the LEA and the private school representative cooperatively develop the IEP?	( )	( )	( )	( )	
9. Is the LEA involved in the development of an IEP for children placed in non-public schools by other agencies?	( )	( )	( )	( )	
10. Does the LEA annually review/revise the IEP for children placed in non-public schools?	( )	( )	( )	( )	

Question	Response: Agency Self-Evaluation		Response: M.S.D.E. Monitoring Team		Comment
N. PROCEDURAL SAFEGUARDS	YES	NO	YES	NO	
1. Does the LEA have a procedure which provides parents of handicapped children an opportunity to examine all relevant records?	( )	( )	( )	( )	
2. Is parental consent obtained before conducting an educational evaluation?	( )	( )	( )	( )	
3. Does the LEA inform parents of handicapped children that they have a right to obtain an independent educational evaluation of their child?	( )	( )	( )	( )	
4. Is parental consent obtained before initially placing a child in a program providing special education and related services?	( )	( )	( )	( )	
5. Is parental consent obtained before changing the placement of a child in a program providing special education and related services?	( )	( )	( )	( )	
6. Does the LEA have a procedure for assigning a surrogate parent to a child when needed?	( )	( )	( )	( )	

Question	Response: Agency Self-Evaluation		Response: M.S.D.E. Monitoring Team		Comment
O. PROTECTION IN EVALUATION PROCEDURES	YES	NO	YES	NO	
1. Has the LEA established procedures which insure that testing and evaluation materials and procedures are selected and administered so as not to be racially or culturally discriminatory?	( )	( )	( )	( )	
2. Have these procedures been implemented?	( )	( )	( )	( )	
3. Do the procedures insure that:					
a. Tests and other evaluation materials are provided and administered in the child's native language or other mode of communication, unless it is clearly not feasible to do so?	( )	( )	( )	( )	
b. Tests have been validated for the specific purpose for which they are used?	( )	( )	( )	( )	
c. Tests are administered by trained personnel in conformance with the instructions provided by their producer?	( )	( )	( )	( )	

Question	Response: Agency Self-Evaluation		Response: M.S.D.E. Monitoring Team		Comment
O. PROTECTION IN EVALUATION PROCEDURES (CONT'D)	YES	NO	YES	NO	
d. Tests include those tailored to assess specific areas of educational need and not merely those which are designed to provide a single intelligence quotient?	( )	( )	( )	( )	
e. Tests are selected and administered to insure that the results accurately reflect the child's aptitude or achievement level (or whatever other factors the test purports to measure) rather than any sensory, manual, or speaking impairments?	( )	( )	( )	( )	
f. No single procedure is used as the sole criterion for determining an appropriate educational program for a child?	( )	( )	( )	( )	
g. The evaluation is made by a multi-disciplinary team or group of persons, including at least one teacher or other specialist with knowledge in the area of suspected disability?	( )	( )	( )	( )	
h. The child is assessed in all areas related to the suspected disability, including, where appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communication status, and motor abilities?	( )	( )	( )	( )	

Question	Response: Agency Self-Evaluation YES	Agency Self-Evaluation NO	M.S.D.E. Monitoring Team YES	M.S.D.E. Monitoring Team NO	Comment
O. PROTECTION IN EVALUATION PROCEDURES (CONT'D)	YES	NO	YES	NO	
4. Does the LEA conduct a full and individual evaluation prior to taking any action on:	( )	( )	( )	( )	
a. the initial placement or denial of placement of a handicapped child in a special education program?	( )	( )	( )	( )	
b. the transfer or the denial of transfer of a child from a special education program to a full-time regular class?	( )	( )	( )	( )	
5. When interpreting evaluation data and making placement decisions:					
a. Is information drawn from a variety of sources?	( )	( )	( )	( )	
b. Are all sources of information well documented?	( )	( )	( )	( )	
c. Are the placement decisions made by a group of knowledgeable persons?	( )	( )	( )	( )	

Question	Response: Agency Self-Evaluation		Response: M.S.D.E. Monitoring Team		Comment
P. PRIVATE SCHOOLS	YES	NO	YES	NO	
1. Are nonpublic placements made by the LEA only in schools approved by the State for special education services?	( )	( )	( )	( )	
2. Does the LEA evaluate, at least annually, specific student progress focusing on behavior and academic skill areas as specified in the IEP for those handicapped children placed in non-public schools?	( )	( )	( )	( )	
3. Is the LEA taking needed steps to provide public school programs to handicapped children currently placed in nonpublic programs where appropriate? If yes, list under "Comments," the steps you are taking.	( )	( )	( )	( )	
Q. PROGRAM EVALUATIONS					
1. Has the LEA implemented evaluations of the effectiveness of its special education programs? If yes, please list under "Comments" those evaluations completed and those in progress.	( )	( )	( )	( )	
2. Has the LEA established a procedure for evaluating individual educational programs for children receiving special education and related services?	( )	( )	( )	( )	
3. Has this procedure been implemented?	( )	( )	( )	( )	

Question	Response: Agency Self-Evaluation		Response: M.S.D.E. Monitoring Team		Comment
R. VOCATIONAL EDUCATION	YES	NO	YES	NO	
1. Has the LEA conducted a formal needs assessment and developed a plan for meeting the vocational-technical education needs of handicapped students, including facilities and equipment, etc?	( )	( )	( )	( )	
2. Has the LEA conducted a formal survey to identify and locate handicapped students who may be eligible for the vocational-technical education program?	( )	( )	( )	( )	
3. Do all handicapped students enrolled in the vocational-technical education program have an IEP which specifies vocational education activities?	( )	( )	( )	( )	
4. Are all handicapped students enrolled in the vocational-technical education program approved by the ARD Committee?	( )	( )	( )	( )	
5. Have all handicapped students, eligible for the vocational-technical education program, received a vocational assessment/evaluation?	( )	( )	( )	( )	
6. Do handicapped students, eligible for the vocational-technical education program, receive career/vocational guidance?	( )	( )	( )	( )	

Question	Age 14-16	Age 17-18	Age 19-21	Total	Comment
R. VOCATIONAL EDUCATION (CONT.)					
7. How many handicapped students are served in the vocational-technical education programs in the LEA?					
8. How many handicapped students are eligible for the vocational-technical education program, but are not enrolled in the program?					
9. How many handicapped students are enrolled in a work-study program through the vocational-technical education program?					

	Local	State	Federal	Total
10. How much was expended on vocational-technical education for handicapped students in FY '77? — FY '77				
11. How much is budgeted for vocational-technical education for handicapped students for FY '78? — FY '78				

INDIVIDUAL CASE REVIEW CHECKLIST

Date of Review: ____/____/____ (Mo. Day Yr.)

MSDE Reviewer: _____ (Name) _____ (Position)

ID Information (Refer to SSIS Manual of Instructions for Codes)

LEA Name: _____ LEA Code •☐☐

School Name: _____ School Code •☐☐☐-☐☐☐

Service Level: _____ Service Level Code •☐•

Grade Level: _____ Grade Level Code •☐•

CASE REVIEW: Mark "0" for No, "1" for Yes, and "X" for Not Applicable.
Mark ALL blocks for each case reviewed.

	CASES 1 2 3 4 5 6 7 8 9 10	
1. Was a full and individual evaluation conducted prior to taking action on:		
a. the initial placement of the child in a program providing special education and related services?		11
b. the transfer or the denial of transfer of the child from a special education program to a regular class?		12
2. Is documentation available which demonstrates that parental consent was obtained prior to:		
a. conducting an evaluation of the child?		13
b. initially placing the child in a program providing special education and related services?		14
c. changing the placement of a child?		15
3. Is documentation available which demonstrates:		
a. that a full and individual evaluation was conducted within the last 3 years?		16
b. that no single procedure was used as the sole criterion for determining an appropriate educational program for the child?		17
c. the evaluation was made by a multidisciplinary team or group of persons?		18
4. Is documentation available which demonstrates:		
a. that an ARD meeting was held within the year to develop/review/revise the IEP?		19
b. that participants in the meeting included:		
(1) a qualified LEA representative, other than the child's teacher?		20
(2) the child's teacher?		21
(3) the child, where appropriate?		22

(CONT. ON BACK)

CASE REVIEW (Cont.): Mark "0" for No, "1" for Yes, and "X" for Not Applicable
Mark ALL blocks for each case reviewed

	CASES 1	2	3	4	5	6	7	8	9	10	
c. that one or both parents were afforded the opportunity to attend the meeting?											
d. that the IEP was in effect prior to placement in a program providing special education and related services?											
5. Does the IEP include:											
a. a statement of present levels of educational performance?											
b. annual goals?											26
c. short-term objectives?											27
d. the services to be provided?											28
e. the extent to which the child will be able to participate in regular education?											29
f. projected dates for initiation of services?											30
g. a list of the individuals responsible for implementation?											31
h. the anticipated duration of the services?											32
i. evaluation criteria and procedures?											33
6. Does the child's records include a white copy of the SSIS verification/change form?											34
7. Does the data on the form agree in all respects with the data in the MSDE data base (as compared with computer printout)?											35
8. Does the form accurately reflect the child's IEP?											36

*Additional MSDE Reviewer Comments:

172

*Attach additional sheets if necessary

Funded Under:
Part B (P.L. 94-142)
Discretionary_____
s Through _____
or
Title I
(P.L. 89-313)_____

MARYLAND STATE DEPARTMENT OF EDUCATION
FEDERAL
PROJECT REVIEW

L.E.A._____ Date of this Report_____

Project Director_____ Date of Site Visit_____

Project Number_____ Grant Award $_____

Project Title_____

_____

_____

Project Address_____

_____

_____

Review Site Address _____

_____

_____

Project Dates_____to_____

Brief Abstract*_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

*You may attach the Project Abstract form as originally submitted instead of completing this section.

SECTION I - PERSONNEL

List the project staff employed during the current period and provide a job description for the personnel.

1. Position Title_____

   Staff Person's Name_____

   Job Description_____

2. Position Title_____

   Staff Person's Name_____

   Job Description_____

3. Position Title_____

   Staff Person's Name_____

   Job Description_____

SECTION I - PERSONNEL (Continued)

4. Position Title_____

Staff Person's Name_____

Job Description_____

5. Position Title_____

Staff Person's Name_____

Job Description_____

6. Position Title_____

Staff Person's Name_____

Job Description_____

(Additional pages may be inserted following this one, if necessary.)

Directions for Completing Sections II - VI

Project directors are required to respond to all items under "Agency Self Evaluation" by circling the appropriate numerical rating or by checking the appropriate space.

A description of the rating scale is as follows:

1. Unsatisfactory
2. Partially Satisfactory
3. Satisfactory
4. Higher than Average
5. Exceptional

N.A. Non-applicable

Please complete all narratives when requested.

SECTION II - OBJECTIVES

Listed below are the objectives indicated in the initial grant or the modification of these objectives as listed in the most recent continuation grant. Indicate the degree to which you believe the objective is being achieved. Under each objective state specifically the activities related to the achievement of the objective.

Explanation of Numerical Values:

1. Unsatisfactory
2. Partially Satisfactory
3. Satisfactory
4. Higher than Average
5. Exceptional

N.A. Non-Applicable

Required Area	Project Objective	Project Activities	Agency Self Evaluation	MSDE Monitoring Team Evaluation	Comments
A. Measurable Child-Centered Project Results			1 2 3 4 5 NA	1 2 3 4 5 NA	
B. Nonpublic School Planning and Participation			1 2 3 4 5 NA	1 2 3 4 5 NA	

Section II - Objectives

Listed below are the objectives indicated in the initial grant or the modification of these objectives as listed in the most recent continuation grant. Indicate the degree to which you believe the objective is being achieved. Under each objective state specifically the activities related to the achievement of the objective.

Explanation of Numerical Values:

1. Unsatisfactory
2. Partially Satisfactory
3. Satisfactory
4. Higher than Average
5. Exceptional

N.A. Non-Applicable

Required Area	Project Objective	Project Activities	Agency Self Evaluation	MSDE Monitoring Team Evaluation	Team Comment
C. Local Level Interagency Planning and Collaboration			1 2 3 4 5 NA	1 2 3 4 5 NA	
D. Project Evaluation			1 2 3 4 5 NA	1 2 3 4 5 NA	

Explanation of Numerical Values:
1. Unsatisfactory
2. Partially Satisfactory
3. Satisfactory
4. Higher than Average
5. Exceptional
N.A.Non-Applicable

A. Current Project Status

Agency Self Evaluation Only

1. General

a. Are all the project staff hired? Yes ( ) No ( )
If not, why not? _____

_____

_____

When will they be hired? _____

b. Have all the project staff begun working in the project? Yes ( ) No ( )
If not, why not? _____

_____

_____

When will they begin? _____

c. Are all materials, supplies and/or equipment ordered? Yes ( ) No ( )
If not, why not? _____

_____

_____

When will they be ordered? _____

d. Are all materials, supplies and/or equipment ordered available in the project operation? Yes ( ) No ( )
If not, why not? _____

_____

_____

When will they be available? _____

Explanation of Numerical Values:
1. Unsatisfactory
2. Partially Satisfactory
3. Satisfactory
4. Higher than Average
5. Exceptional
N.A. Non-Applicable

	Agency Self Evaluation	MSDE Monitoring Team Evaluation	Comments
2. Personnel			
a. To what extent is there an adequate number of staff to accomplish project objectives?	1 2 3 4 5 NA	1 2 3 4 5 NA	
b. Are the project staff certified for the positions they hold?	1 2 3 4 5 NA	1 2 3 4 5 NA	
c. To what extent do project personnel understand their roles and functions?	1 2 3 4 5 NA	1 2 3 4 5 NA	
B. Nonpublic School Planning and Participation			
1. To what extent has the project involved the school community in planning and operation?	1 2 3 4 5 NA	1 2 3 4 5 NA	
2. To what extent has the project involved nonpublic schools in planning and operation?	1 2 3 4 5 NA	1 2 3 4 5 NA	
C. Interagency and Other Coordination			
1. To what extent have the following been involved in the project objectives and activities?	1 2 3 4 5 NA	1 2 3 4 5 NA	
a. Local Interagency Committee	1 2 3 4 5 NA	1 2 3 4 5 NA	
b. Administrators and supervisors in the local school system	1 2 3 4 5 NA	1 2 3 4 5 NA	

Explanation of Numerical Values:
1. Unsatisfactory
2. Partially Satisfactory
3. Satisfactory
4. Higher than Average
5. Exceptional
N.A. Non-Applicable

	Agency Self Evaluation	MSDE Monitoring Team Evaluation	Comments
c. Teachers at project site	1 2 3 4 5 NA	1 2 3 4 5 NA	
d. Pupils involved in project activities	1 2 3 4 5 NA	1 2 3 4 5 NA	
e. Staff from other LEAs	1 2 3 4 5 NA	1 2 3 4 5 NA	
f. The Community	1 2 3 4 5 NA	1 2 3 4 5 NA	
D. Evaluation			
1. To what extent is there a clear strategy for project evaluation including a data base for evaluation?	1 2 3 4 5 NA	1 2 3 4 5 NA	
a. Product evaluation			
1) Child Evaluation (must include IEPs at a minimum)	1 2 3 4 5 NA	1 2 3 4 5 NA	
2) Staff Evaluation	1 2 3 4 5 NA	1 2 3 4 5 NA	
3) Parents Evaluation	1 2 3 4 5 NA	1 2 3 4 5 NA	
b. Process evaluation, i.e., evaluation of overall operation of the project	1 2 3 4 5 NA	1 2 3 4 5 NA	
2. To what extent has project modification or expansion been based on evaluation?	1 2 3 4 5 NA	1 2 3 4 5 NA	
3. Are project funds and resources effectively used for evaluation?	1 2 3 4 5 NA	1 2 3 4 5 NA	

Explanation of Numerical Values:
1. Unsatisfactory
2. Partially Satisfactory
3. Satisfactory
4. Higher than Average
5. Exceptional
N.A. Non-Applicable

Section III - DISSEMINATION

	Agency Self Evaluation	MSDE Monitoring Team Evaluation	Comments
1. To what extent is a variety of media used for dissemination?	1 2 3 4 5 NA	1 2 3 4 5 NA	
2. To what extent does the quality of dissemination make it appropriate for a statewide audience?	1 2 3 4 5 NA	1 2 3 4 5 NA	

3. List the major dissemination activities during this school year:

_____

_____

_____

_____

_____

_____

-16C-

Explanation of Numerical Value
1. Unsatisfactory
2. Partially Satisfactory
3. Satisfactory
4. Higher than Average
5. Exceptional
N.A. Non-Applicable

Section IV. BUDGET-FINANCE**	Agency Self Evaluation	MSDE Monitoring Team Evaluation	Comments
1. Were your objectives realistic given this project's total grant funds?	1 2 3 4 5 NA	1 2 3 4 5 NA	
2. To what extent was this project cost effective?	1 2 3 4 5 NA	1 2 3 4 5 NA	
a. Indicate the approximate average per pupil cost of this project.	$_____	$_____	
b. Indicate total grant amount.	$_____	$_____	
c. Indicate total number of pupils.	_____	_____	
3. Specify the aspects of the project that are being phased into the local budget.			
_____			
_____			
_____			
_____			
_____			

**NOTE: Please have project budget information available for the Evaluation Team.

SECTION V. - SUMMARY COMMENTS

1. List the specific ways the project contributes to the solution of the critical needs in Special Education in your Agency.

2. List the specific ways in which the project is really making a difference in the education of handicapped children.

3. Indicate by (✓) which of the following were influenced by the project:

___ a. Other federal and State programs
___ b. Public support of educacion innovation and change
___ c. Educational programs in urban areas
___ d. Educational programs in isolated rural areas
___ e. Educational programs for preschool children
___ f. Educational programs for the handicapped
___ g. Educational programs for minority groups

4. List the greatest strengths of the project

SECTION V. SUMMARY COMMENTS (Continued)

5. List the weaknesses of the project.

6. List the most innovative and/or exemplary characteristics of the project.

7. List any special or unusual problems encountered in project operation.

8. Indicate any additional assistance needed from the staff of the Maryland State Department of Education.

Explanation of Numerical Values:
1. Unsatisfactory
2. Partially Satisfactory
3. Satisfactory
4. Higher than Average
5. Exceptional
N.A. Non-Applicable

SECTION VI. SUMMARY EVALUATION

Indicate the overall evaluation of the project.	Agency Self Evaluation	MSDE Monitoring Team Evaluation	Comments
1. The staff is performing effectively.	1 2 3 4 5 NA	1 2 3 4 5 NA	
2. Project objectives are being attained.	1 2 3 4 5 NA	1 2 3 4 5 NA	
3. The Local Interagency Committee and Nonpublic schools are involved in project activities	1 2 3 4 5 NA	1 2 3 4 5 NA	
4. Evaluation activities are effective (Reference Part II-D).	1 2 3 4 5 NA	1 2 3 4 5 NA	
5. Dissemination activities are effective.	1 2 3 4 5 NA	1 2 3 4 5 NA	
6. The budget is being used effectively.			

SECTION VII. EVALUATOR'S RECOMMENDATIONS

(To be completed by the Maryland State Department of Education audit team on site)

Evaluation Team

Chairperson _____

Members _____

Date of Visit _____

Revised December, 1977

MONITORING/EVALUATION TEAM GUIDELINES

A. RESPONSIBILITIES OF CHAIRPERSON — DATE

1. Letter to LEA, containing the following: (Chairperson, Bonnie, Jerry)

   a. Dates of the visit..... _____
   b. Members of the monitoring team..... _____
   c. Specific Federal Project to be reviewed..... _____
   d. Copy of the review instruments..... _____

2. See that team members have been selected..... _____ (Chairperson, Bonnie, Jerry)

3. Letter requesting release time for team members..... _____ (Chairperson, Bonnie)

4. Select schools for individual case review..... _____ (Chairperson, Jerry and RA)

5. Inform LEA of schools selected for ICR..... _____ (Chairperson, Bonnie)

6. Select soundex numbers for case review..... _____ (Chairperson, Jerry, Kerry)

7. Meeting to discuss LEA, team member responsibilities and role (Chairperson, RA)..... _____

8. Notify team members of presite visit meeting..... _____ (Chairperson, Bonnie)

9. Conduct presite visit meeting..... _____ (Chairperson, Les, Vira, RA)

10. See that MSDE has received LEA self-evaluation..... _____ (Chairperson, RA)

11. See that team members have copy of LEA self-evaluation _____ (Chairperson, Bonnie)

12. Make assignments and areas of responsibility at presite meeting (Chairperson)..... _____

13. Make team members aware of reimbursement procedures.. _____ (Chairperson)

14. Make arrangements to inform LEA of soundex numbers to be reviewed (Chairperson)..... _____

15. Make arrangements for housing when appropriate (Chairperson)..... _____

16. Write follow-up report (Chairperson, RA)..... _____

B. ORIENTATION MEETING FOR TEAM MEMBERS

1. Go through site visit manual
2. Have regional administrator give overview of LEA
3. Review self-evaluation in detail
4. Assign responsibilities to team members

C. SITE VISIT

1. Give introductions
2. State purpose of site visit
3. Refer to federal and state law requirements
4. See that time schedules are kept
5. Keep tone of professionalism throughout
6. Prepare final oral summary report for end of second day

D. POST-SITE FOLLOW THROUGH

1. Send thank-you to supervisor
2. Gather and edit final reports (within 2 weeks)
3. Submit edited report to Dr. Jacobs (2 weeks after)
4. See that final report is mailed to LEA (3 weeks after)
5. Follow through on purchase orders for securing financial reimbursement for travel
6. Send thank you to local team members.

(Sample Report Format)

Maryland State Department of Education
Division of Special Education
Site Visit Final Report

_____

Local Education Agency

_____

Date

MSDE Monitoring Team Members

Name	Title	Employed By
	Chairperson	MSDE
	Regional Administrator	MSDE

Summary of Site Visit Findings

Areas of Compliance	Com-pliance	Non-Com-pliance	Problem Areas
Child Identification			
Confidentiality			
Full Educational Opportunities			
Personnel Development			
Priorities			
Least Restrictive Environment			
Public Control of Funds			
Excess Cost			
Nonsupplanting			
Comparable Services			
Information - Reports			
Public Participation			
Individualized Education Programs			
Procedural Safeguards			
Protection in Evaluation Procedures			
Private Schools			
Program Evaluations			
Vocational Education			

Compliance - there is substantial conformity with existing federal and state requirements. Exemplary compliance will result in commendations on the final report.

Non-Compliance - there is a violation of some federal or state requirements. This will result in a specified corrective action, which must be responded to by the LEA in following activity.

Problem Area - while overall compliance is maintained, some major difficulties have been determined. Specific recommendations will be made for dealing with these matters.

1. CHILD IDENTIFICATION

Authority

(Citation of the appropriate State Law and Bylaw or Federal Law)

Finding

(A brief summarization of observations made by the Monitoring Team using the APPC and ICRC)

Commendations, Recommendations or Corrective Action (Optional)

(Where appropriate, a specific commendation or recommendation or required corrective action will be stated)

FEDERAL PROJECT REVIEW OUTLINE

I. Personnel

II. Objectives

A. Current Project Status

B. Nonpublic

C. Interagency

D. Evaluation

III. Dissemination

IV. Budget

V. Summary Comments

VI. Summary Evaluation

VII. Evaluatior's Recommendation

DRAFT

APPENDIX G

MARYLAND STATE DEPARTMENT OF EDUCATION

DIVISION OF SPECIAL EDUCATION

SURROGATE PARENT RULES AND REGULATIONS

4/20/78

TABLE OF CONTENTS

Definitions of Terms

Guidelines

A. Qualifications

B. Duties

C. Selections/Appointments

D. Training

E. Compensation

F. Removal

G. Replacement

Request to State for Surrogate Parent

Application for Surrogate Parent

Policy and Procedures Statements

References:

A. Article 77 Section 106D-1

B. P.L. 94-142 Section 121a.514

Definitions:

1. BOARD or LOCAL BOARD means a County Board of Education or the Board of School Commissioners of Baltimore City.

2. STATE BOARD means the State Board of Education.

3. SURROGATE PARENT means a person, appointed by the State Board on the recommendation of a Local Superintendent of Schools or his designee, as a child's advocate in the educational decision-making process in place of the child's natural parent or legal guardian.

4. CHILD means a person under the age of 21.

5. EDUCATIONAL DECISION-MAKING PROCESS includes identification, evaluation, and placement as well as the hearing, mediation and appeal procedures provided for in the Bylaws promulgated by the State Board of Education.

6. UNKNOWN means not known and not ascertainable by reasonable diligence or after reasonable inquiry and efforts to locate.

7. UNAVAILABLE includes committed to a mental institution, incarcerated in a penal institution or otherwise unable to act as a child's advocate in the educational decision-making process or not present after good-faith efforts to obtain presence.

Any person may request the assignment of a surrogate parent for a child who may need special education if the child is a ward of the State or if the child's parent or guardian are unknown or unavailable.

OVERVIEW

Section 121a.514 of the Federal Regulations requires that a child's rights be protected by assigning a surrogate parent when the parent or guardian is unknown or unavailable.

In order to meet this requirement, the Maryland State Board of Education has developed these guidelines in accordance with P.L. 94-142 Article 77 Section 106D-1 of the Public School Laws of Maryland. These guidelines should be incorporated into each local subdivision's FY 79 Amended Plan. Additionally, each local subdivision shall submit to the Maryland State Department of Education, Division of Special Education, specific procedures which they will employ in the implementation of these guidelines by October 1, 1978.

DRAFT

I. Qualification of Surrogate Parent

A person qualified as a surrogate parent:

A. Is a citizen of the U.S. above the age of 21

B. Has knowledge, skills, experience and/or training that ensures adequate representation of the child.

C. Is a non-employee of a public agency involved in the educational care of the child.

D. Is able to understand and speak in the language of the child.

E. Has no interest that conflicts with the interest of the child he or she represents.

F. Holds a Maryland State Department of Education Surrogate Parent Certificate.

II. Duties of Surrogate Parents

To duly represent a child in all matters relating to:

A. Identification.

B. Evaluation.

C. Educational placement.

D. The provision of a free appropriate public education.

III. Selection/Appointment Procedure:

A. When a Local Superintendent of Schools or a designee finds that a child may require special education and the child is a ward of the State or the child's parent or guardian is unknown or unavailable, that Superintendent or a designee shall request in writing that the State Board appoint a surrogate parent to represent the child in the educational decision-making process.

B. The request to the State Board shall include the child's name, date of birth, sex, domicile and residence, a statement explaining why the child meets the criteria for the appointment of a surrogate parent,

documentation of efforts made to locate the parent if unknown, or the parent's present location if available, and the name and qualifications of a proposed surrogate parent deemed appropriate to represent the child in the educational decision-making process.

C. The State Board shall appoint a surrogate parent within ten days after receipt of the initial request.

D. If the State Board finds that the proposed surrogate parent is not qualified to serve as defined in these regulations, it shall request that the Local Board make another nomination within five days or it may select and appoint one itself. Final selection shall be within 10 days of a request by the Local Board.

E. Any person aggrieved by a decision of the State Board with regard to the selection and appointment of a surrogate parent may seek review of the decision in a court of competent jurisdiction.

IV. Time of Appointment

Surrogate parents shall be appointed to serve until:

A. the child's natural parents are available

or

B. the child's natural parents are known

or

C. the child completes elementary or secondary programs

or

D. the child reaches the age of 21.

V. Training of Surrogates

All persons appointed by the Maryland State Board of Education shall have the opportunity of being trained by the Maryland State Department of Education, Division of Special Education. This training shall ensure that appointees are knowledgeable in all areas relative to P.L. 94-142 and specifically in the areas deemed as duties of a surrogate parent. A certificate of training shall be awarded by the Maryland State Department of Education.

VI. Compensation

All surrogate parents shall be compensated in accordance with LEA policies relating to consultants or part-time employees of that system. No surrogate parent shall be penalized or suffer for loss of wages in accepting this assignment.

VII. Removal

Persons appointed by the State Board of Education upon recommendation of the Local Superintendent of Schools as surrogate parents may be terminated upon recommendation from the Local Superintendent or a designee to the Board when documented evidences indicate incompetence, negligence, breach of fiduciary duties, conflict of interest, and/or violation of the Local Dismissal Code regarding staff firing.

VIII. Replacement

Request for replacement for persons who resign, expire, and/or are removed from the appointed position a surrogate parent, shall follow the procedures cited in this document in Section III A through E.

Request to State Board of Education
For Surrogate Parent

County_____ New____ Replacement____

Name of Child_____ Sex_____ Date of Birth____

Address_____
Street City State Zip

Residence_____ Telephone Number_____

Natural Parents:

Names_____ Telephone Number_____

Address_____
Street City State Zip

Reason of Request:

Parent Unknown Yes No

Parent Unavailable Yes No

Child is Ward of the State Yes No

Explain Fully:

Supporting Data:

1.

2.

3.

Recommended Surrogate Parent:

Name_____ Telephone Number_____

Address_____
Street City State Zip

Request to State for Surrogate Parents

Cite LEA's efforts to locate parents. Be specific.

Date	Efforts	Results	Person Making Inquiry

Request for a surrogate made by:_____

Date of request:_____

Recommendation submitted by:_____
LEA Superintendent

Date_____

State Board Action:

Date Presented: Action: Approved_____ Disapproved_____

If selected, would you be available for inservice training? Yes/No

If yes, circle day and time when you would be available for training.

Monday	a.m.	p.m.
Tuesday	a.m.	p.m.
Wednesday	a.m.	p.m.
Thursday	a.m.	p.m.
Friday	a.m.	p.m.

Date Submitted

Applicant's Signature

Department of Education use only:

Date of Interview:

Action Taken:

Date Notified:

References:

Name_____ Telephone Number _____

Address_____
Street City State Zip

Occupation_____

How long have you known this person?_____

Name_____ Telephone Number _____

Address_____
Street City State Zip

Occupation_____

How long have you known this person?_____

Name_____ Telephone Number_____

Address_____
Street City State Zip

Occupation_____

How long have you known this person?_____

LEA APPLICATION FOR SURROGATE PARENTS

Name_____ Telephone Number_____

Address_____
Street City State Zip

Education:

High School Attended_____ Date of Graduation_____

College	Major	Degree	From/To

Work Experience (Previous 5 years):

Employer_____ From/To_____

Address_____
Street City State Zip

Specific Duties:_____

_____

Employer_____ From/To_____

Address_____
Street City State Zip

Specific Duties:_____

_____

Surrogate Parent Application

Work Experience (Continued):

Employer_____ From/To_____

Address_____
Street City State Zip

Specific Duties:_____

_____

Have you ever served as a surrogate parent before? Yes/No If yes, explain.

_____

_____

Do you have any interests which would conflict with the child's interests? Yes No

Do you have adequate knowledge and skills that ensure adequate representation of the child? Yes No

Circle age group for which you would be interested in serving.

0 - 2; 3 - 5; 6 - 14; 15 - 21

Circle the disability group(s) which you feel you can best represent in making educational decisions.

- Mentally Retarded - Hard of Hearing - Deaf - Speech Impaired
- Visually Handicapped - Seriously Emotionally Disturbed - Orthopedically Impaired - Health Impaired - Specific Learning Disabilities

State Reason: Why you feel that you can represent a handicapped child in making educational decisions relative to identification, evaluation and placement as well as due process procedures.

State of Maryland

OFFICE OF THE SECRETARY
DEPARTMENT OF HEALTH AND MENTAL HYGIENE
301 WEST PRESTON STREET · BALTIMORE, MARYLAND 21201 · Area Code 301 ·

Paul Sabatino, M.D., Ph.D., Secretary

June 14, 1977

TO: Local Superintendents of Schools and Directors of Day Care Centers

In recent weeks there has been some confusion surrounding the provision of educational services to severely handicapped children in day care centers. This letter is intended to clarify some of that confusion.

As you know, the Governor's Commission on Funding the Education of Handicapped Children, Phase II, is giving very careful consideration to both administrative and fiscal responsibility for handicapped children in day care centers. Commission recommendations are expected to suggest resolution of the situation in fiscal year 1979.

It is anticipated, therefore, that the arrangements for the 1977-1978 school year (fiscal year 1978) will be interim.

For the 1977-1978 school year, any child in a day care center who was funded by the Mental Retardation Administration (MRA) during fiscal year 1977 will continue to have his program funded by MRA in the day care center. Any school age (5-20) youngster who is not funded by MRA for fiscal year 1977 remains the responsibility of the public school system. Pursuant to time lines of Public Law 94-142, all children aged 3-20 will be considered school age as of September 1, 1978. The State Department of Education (MSDE) will work closely with any local school system which is having difficulty in serving these children.

A second issue in the day care center program is that of transportation. Fiscal year 1978 funds for providing transportation to day care center programs are in MSDE's budget. Transportation will be provided by the local school system with reimbursement to the local education agency by the MSDE for school-age children during the 180-day school year. Since these nonpublic schools operate more than 180 days, consideration will be given for additional costs.

As indicated earlier, this procedure is an interim one only. If you need any further assistance in providing for these youngsters, please make contact with Mr. John F. Monaghan, Director of the Mental Retardation Administration, or Dr. Linda J. Jacobs, Assistant State Superintendent, Division of Special Education.

Sincerely yours,

Neil Solomon, M.D., Ph.D., Secretary
Department of Health & Mental Hygiene

David W. Hornbeck
State Superintendent of Schools
Department of Education

NS/DWH:dn

State of Maryland

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

July 12, 1977

POSITION STATEMENT

RE: Educational programs presently operated or to be developed in State facilities or other residential settings operated or funded by the Department of Health and Mental Hygiene.

It is the position of the Departments of Health and Mental Hygiene and Education:

THAT in conjunction with the local Boards of Education, a well-planned, orderly transfer be developed so that public education agencies charged with the responsibility of providing community education programs assume the responsibility for the education programs in the facilities or other residential programs under the jurisdiction of the Department of Health and Mental Hygiene;

THAT these education programs take into account the special needs and circumstances of children in the facilities and shall be coordinated with the overall operations and functions of the facilities.

The Departments of Health and Mental Hygiene and Education subscribe to the philosophy that handicapped and developmentally disabled children should be educated in the least restrictive environment, consistent with the special needs of each individual, which, in some instances, will be unique. Whenever possible, the children who are residents in State or other residential facilities shall be educated in public schools apart from the residential facilities, provided that the education programs in the public school system are adequate to meet the needs of the children and placements are made not to the detriment of the children involved or other students already placed and receiving such services.

David W. Hornbeck
State Superintendent of Schools

Neil Solomon, M.D., Ph.D., Secretary
Department of Health & Mental Hygiene

APPENDIX E_3

Cooperative Agreement Between the Division of Vocational-Technical Education and the Division of Special Education Maryland State Department of Education

Background

The Education of All Handicapped Children Act (P.L. 94-142) requires that each handicapped child have available a variety of educational programs and services, including vocational education. In addition, the Vocational Education Ammendments of 1976, (P.L. 94-482), has as one of its purposes the development of vocational education and training and retraining programs for handicapped persons.

To insure that such training is realistic with respect to the special needs of handicapped persons, the Act requires that state leadership in special education services and vocational education services enter into cooperative planning and program implementation arrangements.

Purpose

The purpose of this statement of underatanding is to assure continued and augmented cooperation between the staffs of the Special Education Division and the Vocational Education Division of the State Department of Education in such actions as the following:

1. The joint development of provisions in the respective Division's State Plans for the vocational education of handicapped persons in Maryland.
2. The joint review of those applications for funds for programs or projects providing benefits to handicapped persons.
3. The joint development of appropriate programs and project activities to meet the vocational education needs of the handicapped.
4. The joint development of appropriate inservice training of teachers for the handicapped and of vocational education teachers working with the handicapped.

5. To provide for intradepartment and interdepartment communication to facilitate program evaluation including, but not limited to, joint development of a common accountability sub-system of programs and activities which serve handicapped students.

6. Joint development of policies and procedures for use at the local level for planning, developing and implementing provisions of the respective State Plans regarding vocational education for the handicapped.

This statement of understanding is intended to formalize and recognize the working relationship that has long existed between these two services within the Maryland State Department of Education.

This agreement becomes effective July 1, 1977, and shall remain in effect until changed by written agreement of the Assistant State Superintendents of the respective Divisions.

Signed: _____
Assistant State Superintendent
Vocational-Technical Education

Dated: June 28, 1977

Signed: _____
Assistant State Superintendent
Special Education

Dated: June 28, 1977

PROPOSAL OF AGREEMENT BETWEEN MARYLAND HEAD START PROGRAMS AND THE MARYLAND STATE DEPARTMENT OF EDUCATION

Appendix E4

State and federal mandates indicate increased and comprehensive state and l[illegible]onsibilities toward providing educational programs and services to all icapped children. The public school system and Head Start programs have legal ates referring specifically to the handicapped but, at this time, there is little dinated effort to meld the different and varied programming efforts toward closely ted goals. This document is proposed as a vehicle which will establish a idation for collaborative management, planning, and service delivery efforts.

POSE

The purpose of this agreement is to establish collaboration of Maryland State artment of Education, local education agencies, and Head Start to provide for a ctional interaction of programs and service for handicapped children and their ilies.

ECTIVES

1. To develop a systematic communication network between the Maryland State Department of Education's Division of Special Education, Maryland's local education agencies, including Baltimore City (which hereafter will be referenced as a local education agency), and Maryland Head Start Programs.

2. To establish Head Start/local education agency communication and subsequent guidelines which eliminates or deters duplication of assessment and programmatic efforts as children transfer into local education agency programs.

3. To promote an exchange of Head Start/local education agencies information related to service models and service delivery systems which will ensure continuity of programming and services for handicapped children.

4. To share information and resources between State Department of Education, local education agencies, and Head Start relative to services to handicapped children and their families.

5. To identify and implement procedures for the provision of technical assistance in educational programming for handicapped children between Head Start and local education agencies.

6. To promote recognition of Head Start/local education agency administrative, teacher, and aide training which, through collaborative implementation of training activities, will allow similarity and continuity of handicapped children's programs and services.

7. To enhance the identification and implementation of higher education teacher training programs through the inclusion of Head Start representation on the State's Higher Education Consortium.

8. To provide structure and systematic Head Start/local education agency collaborative efforts to locate, identify, assess, and place handicapped children, e.g., Child Find activities.

9. To establish Head Start Programs as an integral part of the Maryland State Department of Education's Special Services Information System as well as any other centralized data service collecting information related to handicapped children at the preschool level.

10. To implement Head Start/local education agency coordination that will ensure compliance with Federal Confidentiality Regulations.

Local Education Agency _____

Date of Submission _____

1979 LOCAL PLAN AND APPLICATION
FOR P.L. 94-142 FUNDS

The _____ School System hereby submits to the Maryland State Superintendent of Schools its application for federal funds under P.L. 94-142 for FY 1979 and its Annual Program Plan as required by Article 77, Chapter 7B, Section 106D and G of the Maryland Code. We certify that all assurances, descriptions, and data reports contained in this Local Plan and Application are true and correct to the best of our knowledge.

_____ _____
Date Local Supervisor, Special Education

_____ _____
Date Local School System Superintendent

(For State Department Use Only)
Approval

_____ _____
Date Regional Administrator

_____ _____
Date Coordinator, Federal Projects

_____ _____
Date Assistant Superintendent for Special Education

_____ _____
Date State Superintendent of Schools

Federal Regulations for the Implementation of Part B of the Education of the Handicapped Act Regarding Local Applications

Local Educational Agency Applications—Contents

§ 121a.220 Child identification.

Each application must include procedures which insure that all children residing within the jurisdiction of the local educational agency who are handicapped, regardless of the severity of their handicap, and who are in need of special education and related services are identified, located, and evaluated, including a practical method of determining which children are currently receiving needed special education and related services and which children are not currently receiving needed special education and related services.

(20 U.S.C. 1414(a)(1)(A).)

Comment. The local educational agency is responsible for insuring that all handicapped children within its jurisdiction are identified, located, and evaluated, including children in all public and private agencies and institutions within that jurisdiction. Collection and use of data are subject to the confidentiality requirements in §§ 121a.560–121a.576 of Subpart E.

§ 121a.221 Confidentiality of personally identifiable information.

Each application must include policies and procedures which insure that the criteria in §§ 121a.560–121a.574 of Subpart E are met.

(20 U.S.C. 1414(a)(1)(B).)

§ 121a.222 Full educational opportunity goal; timetable.

Each application must: (a) Include a goal of providing full educational opportunity to all handicapped children, aged birth through 21, and

(b) Include a detailed timetable for accomplishing the goal.

(20 U.S.C. 1414(a)(1)(C), (D).)

§ 121a.223 Facilities, personnel, and services.

Each application must provide a description of the kind and number of facilities, personnel, and services necessary to meet the goal in § 121a.222.

(20 U.S.C. 1414(a)(1)(E).)

§ 121a.224 Personnel development.

Each application must include procedures for the implementation and use of the comprehensive system of personnel development established by the State educational agency under § 121a.140.

(20 U.S.C. 1414(a)(1)(C)(i).)

§ 121a.225 Priorities.

Each application must include priorities which meet the requirements of §§ 121a.320–121a.324.

(20 U.S.C. 1414(a)(1)(C)(ii).)

§ 121a.226 Parent involvement.

Each application must include procedures to insure that, in meeting the goal under § 121a.222, the local educational agency makes provision for participation of and consultation with parents or guardians of handicapped children.

(20 U.S.C. 1414(a)(1)(C)(iii).)

§ 121a.227 Participation in regular education programs.

(a) Each application must include procedures to insure that to the maximum extent practicable, and consistent with §§ 121a.550–121a.553 of Subpart E, the local educational agency provides special services to enable handicapped children to participate in regular educational programs.

(b) Each application must describe:

(1) The types of alternative placements that are available for handicapped children, and

(2) The number of handicapped children within each disability category who are served in each type of placement.

(20 U.S.C. 1414(a)(1)(C)(iv).)

§ 121a.228 Public control of funds.

Each application must provide assurance satisfactory to the State educational agency that control of funds provided under Part B of the Act and title to property acquired with those funds, is in a public agency for the uses and purposes under this part, and that a public agency administers the funds and property.

(20 U.S.C. 1414(a)(2)(A).)

§ 121a.229 Excess cost.

Each application must provide assurance satisfactory to the State educational agency that the local educational agency uses funds provided under Part B of the Act only for costs which exceed the amount computed under § 121a.184 and which are directly attributable to the education of handicapped children.

(20 U.S.C. 1414(a)(2)(B).)

§ 121a.230 Nonsupplanting.

(a) Each application must provide assurance satisfactory to the State educational agency that the local educational agency uses funds provided under Part B of the Act to supplement and, to the extent practicable, increase the level of State and local funds expended for the education of handicapped children, and in no case to supplant those State and local funds.

(b) To meet the requirement in paragraph (a) of this section:

(1) The total amount or average per capita amount of State and local school funds budgeted by the local educational agency for expenditures in the current fiscal year for the education of handicapped children must be at least equal to the total amount or average per capita amount of State and local school funds actually expended for the education of handicapped children in the most recent preceding fiscal year for which the information is available. Allowance may be made for:

(i) Decreases in enrollment of handicapped children; and

(ii) Unusually large amounts of funds expended for such long-term purposes as the acquisition of equipment and the construction of school facilities; and

(2) The local educational agency must not use Part B funds to displace State or local funds for any particular cost.

(20 U.S.C. 1414(a)(2)(B).)

Comment. Under statutes such as Title I of the Elementary and Secondary Education Act of 1965, as amended, the requirement to not supplant funds that "would" have been expended if the Federal funds were not available. The requirement under Part B, however, is to not supplant funds which have been "expended." This use of the past tense suggests that the funds referred to are those which the State or local agency actually spent at some time before the use of the Part B funds. Therefore, in judging compliance with this requirement, the Commissioner looks to see if Part B funds are used for any costs which were previously paid for with State or local funds.

The nonsupplanting requirement prohibits a local educational agency from supplanting State and local funds with Part B funds on either an aggregate basis or for a given expenditure. This means that if an LEA spent $100,000 for special education in FY 1977, it must budget at least $100,000 in FY 1978, unless one of the conditions in § 121a.230 (b)(1) applies.

Whether a local educational agency supplants with respect to a particular cost would depend on the circumstances of the expenditure. For example, if a teacher's salary has been switched from local funding to Part B funding, this would appear to be supplanting. However, if that teacher was taking over a different position (such as a resource room teacher, for example), it would not be supplanting. Moreover, it might be important to consider whether the particular action of a local educational agency led to an increase in services for handicapped children over that which previously existed. The intent of the requirement is to insure that Part B funds are used to increase State and local efforts and are not used to take their place. Compliance would be judged with this aim in mind. The supplanting requirement is not intended to inhibit better services to handicapped children.

§ 121a.231 Comparable services.

(a) Each application must provide assurance satisfactory to the State educational agency that the local educational agency meets the requirements of this section.

(b) A local educational agency may not use funds under Part B of the Act to provide services to handicapped children unless the agency uses State and local funds to provide services to those children which, taken as a whole, are at least comparable to services provided to other handicapped children in that local educational agency.

(c) Each local educational agency shall maintain records which show that the agency meets the requirement in paragraph (b) of this section.

(20 U.S.C. 1414(a)(2)(C).)

Comment. Under the "comparability" requirement, if State and local funds are used to provide certain services, those services must be provided with State and local funds to all handicapped children in the local educational agency who need them. Part B funds may then be used to supplement existing services, or to provide additional services to meet special needs. This, of course, is subject to the other requirements of the Act, including the priorities under §§ 121a.320–121a.324.

§ 121a.232 Information—reports.

Each application must provide that the local educational agency furnishes information (which, in the case of reports relating to performance, is in accordance with specific performance criteria developed by the local educational agency and related to program objectives) as may be necessary to enable the State educational agency to perform its duties under this part, including information relating to the educational achievement of handicapped children participating in the local educational agency's programs for handicapped children.

(20 U.S.C. 1414(a)(3)(A).)

§ 121a.233 Records.

Each application must provide that the local educational agency keeps such records, and affords access to those records, as the State educational agency may find necessary to insure the correctness and verification of the information that the local educational agency furnishes under § 121a.232.

(20 U.S.C. 1414(a)(3)(B).)

§ 121a.234 Public participation.

(a) Each application must:

(1) Provide for making the application and all documents related to the application available to parents and the general public; and

(2) Provide that all evaluations and reports required under § 121a.232 are public information.

(b) In implementing the requirement in paragraph (a)(1), the local educational agency shall use methods for public participation within its jurisdiction which are comparable to those required in § 121a.280–121a.284 of this subpart. However, the local educational agency is not required to hold public hearings.

(20 U.S.C. 1414(a)(4).)

§ 121a.235 Individualized education programs.

Each application must include procedures to assure that the local educational agency complies with §§ 121a.340–121a.349 of Subpart C.

(20 U.S.C. 1414(a)(5).)

§ 121a.236 Local policies consistent with statute.

Each application must provide assurance satisfactory to the State educational agency that all policies and programs which the local educational agency establishes and administers are consistent with section 612(1)–(7) and section 613(a) of the Act.

(20 U.S.C. 1414(a)(6).)

§ 121a.237 Procedural safeguards.

Each application must provide assurance satisfactory to the State educational agency that the local educational agency has procedural safeguards which meet the requirements of §§ 121a.500–121a.514 of Subpart E.

(20 U.S.C. 1414(a)(7).)

§ 121a.238 Use of Part B funds.

Each application must describe how the local educational agency will use the funds under Part B of the Act during the next school year.

(20 U.S.C. 1414(a).)

§ 121a.239 Nondiscrimination and employment of handicapped individuals.

(a) Each application must include an assurance that the program assisted under Part B of the Act will be operated in compliance with Title 45 of the Code of Federal Regulations Part 84 (Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefitting from Federal Financial Assistance). The local educational agency may incorporate this assurance by reference if it has already been filed with the Department of Health, Education, and Welfare.

(b) The assurance under paragraph (a) of this section covers, among other things, the specific requirement on employment of handicapped individuals under section 606 of the Act, which states:

> The Secretary shall assure that each recipient of assistance under this Act shall make positive efforts to employ and advance in employment qualified handicapped individuals in programs assisted under this Act.

(20 U.S.C. 1405; 29 U.S.C. 794.)

§ 121a.240 Other requirements.

Each local application must include additional procedures and information which the State educational agency may require in order to meet the State annual program plan requirements under §§ 121a.120–121a.151.

(20 U.S.C. 1414(a)(6).)

1. CHILD IDENTIFICATION (Section 121a.220)

Provide a description of your child find procedures. Include a description of the method used by the LEA to determine which children are currently receiving special education and related services and which children are not receiving such services.

You have indicated in your Quarterly Child Find Report that _____ handicapped children have been identified. How do you plan to provide service for these children in the 1978-79 school year? Give specific details.

2. CONFIDENTIALITY OF PERSONALLY IDENTIFIABLE INFORMATION (Section 121a.221)

Describe the policies and procedures in use which insure that the criteria in Section 121a.560-121a.574 of the regulations for P.L. 94-142 are met. This includes notice to parents, access rights, record of access, list of types and location of information, fees, amendment of records at parent's request, opportunity for a hearing, hearing procedures, consent, safeguards, destruction of information and child's rights. (Submit attachments as necessary).

LEA Official Responsible for Confidentiality Requirements under 121a.560 - 121a.574 of Subpart E and the Maryland Policies and Procedures for P.L. 94-142:

Name: _____

Position: _____

Phone Number: _____

3. FULL EDUCATIONAL OPPORTUNITY GOAL (Section 121a.222)

Federal and State laws require your LEA to be committed to the goal of providing full educational opportunity to all handicapped children, aged birth through 20. What remains to be done in your LEA to achieve that objective?

4. FACILITIES, PERSONNEL AND SERVICES (Section 121a.223)

Complete Tables 2A, 2B, 2C and 5 relative to personnel and training needed in order to meet the full educational opportunity goal.

TABLE 2A. - STATE PERSONNEL SUMMARY OF ACTUAL NUMBER OF PERSONNEL EMPLOYED DURING THE 1977-78 SCHOOL YEAR FOR SERVICES TO THE AGE 0-21 AGE HANDICAPPED POPULATION

(A)
MANDATED SCHOOL AGE IN THE STATE OF Maryland - 6
FOR SCHOOL YEAR 1978-79

PERSONNEL	TOTAL (Sum of columns b-i) (a)	MENTALLY RETARDED (b)	HARD OF HEARING (c)	DEAF (d)	SPEECH IMPAIRED (e)	VISUALLY HANDICAPPED (f)	SERIOUSLY EMOTIONALLY DISTURBED (g)	ORTHOPEDICALLY IMPAIRED (h)	HEALTH IMPAIRED (i)	SPECIFIC LEARNING DISABILITIES (j)
1. Teachers of Special Classes										
2. Resource Room Teachers										
3. Itinerant/Consulting Teachers										
4. Psychologist										
5. School Social Workers										
6. Occupational Therapists										
7. Home-Hospital Teachers										
8. Speech Pathologists										
9. Audiologists										
10. Teacher Aides										
11. Vocational Education Teachers										
12. Work-Study Coordinators										
13. Physical Education Teachers										
14. Recreation Therapists										
15. Diagnostic Staff										
16. Supervisors										
17. Other Non-Instructional Staff										
18. TOTAL PERSONNEL										

Table 2B. - STATE PERSONNEL SUMMARY OF PROJECTED NUMBER OF PERSONNEL NEEDED TO MEET THE FULL EDUCATIONAL OPPORTUNITIES GOAL DURING THE 1977-78 SCHOOL YEAR FOR SERVICES TO THE 0-21 AGE HANDICAPPED POPULATION

(A)
MANDATED SCHOOL AGE IN THE STATE OF
Maryland - 6
FOR SCHOOL YEAR 1978-79

PERSONNEL	TOTAL (Sum of columns b-j) (a)	MENTALLY RETARDED (b)	HARD OF HEARING (c)	DEAF (d)	SPEECH IMPAIRED (e)	VISUALLY HANDICAPPED (f)	SERIOUSLY EMOTIONALLY DISTURBED (g)	ORTHOPEDICALLY IMPAIRED (h)	HEALTH IMPAIRED (i)	SPECIFIC LEARNING DISABILITIES (j)
1. Teachers of Special Classes										
2. Resource Room Teachers										
3. Itinerant/Consulting Teachers										
4. Psychologist										
5. School Social Workers										
6. Occupational Therapists										
7. Home-Hospital Teachers										
8. Speech Pathologists										
9. Audiologists										
10. Teacher Aides										
11. Vocational Education Teachers										
12. Work-Study Coordinators										
13. Physical Education Teachers										
14. Recreation Therapists										
15. Diagnostic Staff										
16. Supervisors										
17. Other Non-Instructional Staff										
18. TOTAL PERSONNEL										

TABLE 2C. - STATE PERSONNEL SUMMARY OF PROJECTED NUMBER OF PERSONNEL NEEDED TO MEET THE FULL EDUCATIONAL OPPORTUNITIES GOAL DURING THE 1978-79 SCHOOL YEAR FOR SERVICES TO THE 0-21 AGE HANDICAPPED POPULATION

(A)
MANDATED SCHOOL AGE IN THE STATE OF Maryland - 6
FOR SCHOOL YEAR 1978-79

PERSONNEL	TOTAL (Sum of columns b-i) (a)	MENTALLY RETARDED (b)	HARD OF HEARING (c)	DEAF (d)	SPEECH IMPAIRED (e)	VISUALLY HANDICAPPED (f)	SERIOUSLY EMOTIONALLY DISTURBED (g)	ORTHOPEDICALLY IMPAIRED (h)	HEALTH IMPAIRED (i)	SPECIFIC LEARNING DISABILITIES (j)
1. Teachers of Special Classes										
2. Resource Room Teachers										
3. Itinerant/Consulting Teachers										
4. Psychologist										
5. School Social Workers										
6. Occupational Therapists										
7. Home-Hospital Teachers										
8. Speech Pathologists										
9. Audiologists										
10. Teacher Aides										
11. Vocational Education Teachers										
12. Work-Study Coordinators										
13. Physical Education Teachers										
14. Recreation Therapists										
15. Diagnostic Staff										
16. Supervisors										
17. Other Non-Instructional Staff										
18. TOTAL PERSONNEL										

Indicate number of personnel needing inservice training between July 1, 1978 and June 30, 1979.

TABLE 5. - INSERVICE TRAINING FORM (1978-79 school year)

AREA OF TRAINING	NUMBER AND TYPES OF PERSONS TO RECEIVE INSERVICE TRAINING																						
	Regular Class Teachers	Special Class Teachers	Resource Room Teachers	Itinerant/Consulting Teachers	Home Hospital Teachers	Physical Educators	Vocational Educators	Teacher Aides	Work-Study Coordinators	Recreational Therapists	Occupational Therapists	Speech Pathologists	Audiologists	Psychometrists/Educational Diagnosticians	Psychologists	School Social Workers	Parents of Handicapped Children	Surrogates	Volunteers	Hearing Officers	Supervisors	Administrators	Other Non-Instructional Staff
Diagnostic Procedures																							
Instructional Procedures																							
Implementation of P.L.94-142																							
- Individual Education Programs																							
- Least Restrictive Environment																							
- Procedural Safeguards																							
- Use of Surrogates																							
- Priorities - Served - Unserved																							
- Non-Discriminatory Testing																							
Other (Specify)																							

Indicate number of personnel projected to receive inservice training between July 1, 1978 and June 30, 1979.

TABLE 5. - INSERVICE TRAINING FORM (1978-79 school year)

AREA OF TRAINING	NUMBER AND TYPES OF PERSONS TO RECEIVE INSERVICE TRAINING																					
	Regular Class Teachers	Special Class Teachers	Resource Room Teachers	Itinerant/Consulting Teachers	Home Hospital Teachers	Physical Educators	Vocational Educators	Teacher Aides	Work-Study Coordinators	Recreational Therapists	Occupational Therapists	Speech Pathologists	Audiologists	Psychometrists/Educational Diagnosticians	Psychologists	School Social Workers	Parents of Handicapped Children	Surrogates	Volunteers	Hearing Officers	Supervisors	Administrators	Other Non-Instructional Staff
Diagnostic Procedures																							
Instructional Procedures																							
Implementation of P.L.94-142																							
- Individual Education Programs																							
- Least Restrictive Environment																							
- Procedural Safeguards																							
- Use of Surrogates																							
- Priorities - Served - Unserved																							
- Non-Discriminatory Testing																							
Other (Specify)																							

5. PERSONNEL DEVELOPMENT (Section 121a.224)

What procedures are you using to assess your staff development needs?

Describe the procedures you are using to implement the State's Comprehensive System of Personnel Development.

Describe other inservice activities which you propose and/or have planned for FY '79.

6. PARENT INVOLVEMENT (Section 121a.226)

Describe how parents or guardians will be involved in special education in your LEA.

7. PARTICIPATION IN REGULAR EDUCATION PROGRAMS (Section 121a.227)

Describe how handicapped children are involved with non-handicapped children in the education program at your LEA.

8. PUBLIC CONTROL OF FUNDS (Section 121a.228)

Federal law requires the control of all Part B funds and title to property acquired with those funds to remain in a public agency which administers them in accordance with the purpose of the law. Describe how this requirement is met in your LEA.

9. EXCESS COST (Section 121a.229)

Federal law requires that Part B funds be used only for costs which exceed the basic minimum established for your LEA, and which are attributable to the education of handicapped children. Does your LEA meet that criteria? (Specific financial data in accordance with the Financial Reporting Manual will be submitted at the end of the school year)

10. NONSUPPLANTING (Section 121a.230)

In what way are Part B funds used to supplement and, to the extent practicable, increase the level of State and local funds expended for the education of handicapped children?

11. COMPARABLE SERVICES (Section 121a.231)

How is comparability maintained between services provided with Part B funds and services provided to other handicapped children in the school system?

12. INFORMATION - REPORTS (Section 121a.232)

The LEA is required to provide to the State whatever information and reports may be necessary to enable it to perform its duties under this part, including information relating to the educational achievement of handicapped children. How do you assess educational performance and validate educational achievement? How is this information reported to the State?

13. RECORDS (Section 121a.233)

What access to records is afforded to the State in order to insure the correctness and verification of the records you furnish? Please explain.

14. PUBLIC PARTICIPATION (Section 121a.234)

Describe the procedures to be utilized in making this application and all documents related to this application available to parents and the general public. This includes evaluations and reports associated with this application.

15. INDIVIDUALIZED EDUCATION PROGRAM (Section 121a.235)

Describe your local procedures for the development and implementation of Individualized Educational Programs for every handicapped child.

16. LOCAL POLICIES CONSISTENT WITH STATUTE (Section 121a.236)

Describe any inconsistencies between the policies and procedures which your LEA has established and the eligibility and State Plan requirements as outlined in Section 612 and 613 of the Education for All Handicapped Children Act. How do you plan to eliminate those inconsistencies?

17. NONDISCRIMINATION AND EMPLOYMENT OF HANDICAPPED INDIVIDUALS (Section 121a.239)

Has the assurance of nondiscrimination been filed with the Department of Health, Education and Welfare in accordance with the 504 regulations?

LEA official responsible for coordination of efforts of nondiscrimination towards the handicapped in accordance with the 504 regulations.

Name _____

Position _____

Phone Number _____

18. PROCEDURAL SAFEGUARDS (Section 121a.237)

Describe the procedural safeguards established in your LEA in accordance with Sections 121a.500 - 121a.514 of the regulations, including independent educational evaluation, prior notice and parental consent, impartial due process hearing, hearing rights, decision and appeal.

19. NONPUBLIC (Section 121a.240)

Our records indicate that_____handicapped children are to return from nonpublic schools and be served in your public school system beginning September 1, 1978. What programs and services have been developed by your LEA to provide full educational opportunity for these children?

20. VOC ED - CAREER ED (Section 121a.240)

Describe your plan for providing career education and vocational technical education services to handicapped children. Include a statement describing how federal vocational education funds are used in your LEA for handicapped children. (Federal law requires that all handicapped children in need of vocational education receive such service.)

Statement of Coordination and Cooperation:

I have cooperated in the development of the above described plan and hereby assure my cooperation in its implementation.

Signed:_____
LEA Director of Vocational-Technical Education

21. OTHER REQUIREMENTS (Section 121a.240)

1) Identify the related services currently being provided and the number of professional staff employed for each. This includes special pathology/audiology, psychological services, occupational therapy, physical therapy, recreation, early identification/assessment, counseling services, medical services (diagnostic and evaluation), school health services, social work services, and parent counseling/training.

2) What additional professional staff will be added for the 1978-79 school year in order to provide all of the related services required by federal statute and State law and bylaw? Describe strategies for staff utilization.

3) What additional professional staff will be needed by 1980 in order to provide the full range of related services. Describe strategies for staff utilization.

22. PRIORITIES (Section 121a.225)

Please list the number of handicapped students needing services:

	Number of Students Needing Services Presently	Projected Number of Students Unserved as of 9/78	Projected Number of Students Unserved as of 9/79	Projected Number of Students Unserved as of 9/80
5 - 20 Age Group				
Level I				
Level II				
Level III				
Level IV				
Level V				
Level VI				
3 - 4 Age Group				
Level I				
Level II				
Level III				
Level IV				
Level V				
Level VI				
0 - 2 Age Group				
Level I				
Level II				
Level III				
Level IV				
Level V				
Level VI				

FEDERAL PRIORITIES (P.L. 94-142, Section 612(3))

PRIORITIES LISTING CODE		Check (✓) appropriate column(s): LEA Local and State Funds to be in Full Compliance	LEA WILL Use Part B Funds to be in Full Compliance	LEA is in Full Compliance
A.1	The UNSERVED, i.e., handicapped children 5-20 not receiving a free appropriate public education.			
A.2	The INAPPROPRIATELY SERVED, i.e., handicapped children within each disability, with the most severe handicaps being served first, who are receiving an education but not as fully described in the IEP.			

1. Are all first priority school age handicapped children being served in your LEA? If not, identify level of service and number of children that are not being served. Describe your strategies for achieving full service and give timeline for achieving same.

2. Are all second priority handicapped children being served? If not, identify the level of service and number of children that are still inappropriately served. Describe your strategies for achieving full service and give timeline for achieving same.

STATE PRIORITIES (Resolution No. 1977-51)

PRIORITIES LISTING CODE		Check (✓) appropriate column(s):			
		LEA is in Full Compliance	LEA will use Part B Funds to be in Full Compliance	Local and State Funds to be in Full Compliance	
B.1	Special Education services to handicapped children of school age (5 through 20) who are in need of special education services and are not now receiving a reasonably appropriate program.				
	Special education services to handicapped preschoolers ages 3-4 in need of such services.				
	Special education services to handicapped ages 0-2 and program improvements for children receiving special education services.				

1. Give timeline and strategies for achieving full services for the 5 through 20 age group identified on p. 21.

2. Give timeline and strategies for achieving full services for the 3 - 4 age groups identified on p. 21.

3. Give timeline and strategies for achieving full services for the 0 - 2 age groups identified on p. 21.

CORRECTIVE ACTIONS*
AS REQUIRED BY MSDE SITE VISITATION

PRIORITIES LISTING CODE	Check (✓) appropriate column(s): Administrative Change Funds Not Required	LEA will use Part B Funds to be in Compliance	LEA will use Local and State Funds to be in Full Compliance
C.1			
C.2			
C.3			
C.4			
C.5			
C.6			

*If Site Visit Report is not yet completed, this page may be submitted in conjunction with LEA written response to MSDE Site Visit Report (within three months of receipt of report).

LOCAL IDENTIFIED NEEDS ASSESSMENT

(Indicate any additional areas of local concern not previously addressed in this plan.)

Check (✓) appropriate column(s):

PRIORITIES LISTING CODE		LEA will use Part B Funds to be in Full Compliance	LEA Local and State Funds to be in Full Compliance
D.1			
D.2			
D.3			
D.4			
D.5			
D.6			

21. USE OF PART B FUNDS (Section 121a.238)

Estimated Total Local FY'79, P.L. 94-142 Pass Through Allocation $_____

Requested FY'79 Discretionary Allocation $_____

List below each project for which P.L. 94-142 Pass Through or Discretionary Allocations are requested, designating for each the appropriate Priorities Listing Code from pages 21-24. Separate Project Analysis Forms must be submitted for each project after allocations are finalized.

Project Title _____

Priorities Listing Codes _____ Check: Pass Through _____

Total Project Allocation $ _____ Discretionary _____

Project Director _____ Phone _____

Comments _____

Project Title _____

Priorities Listing Codes _____ Check: Pass Through _____

Total Project Allocation $_____ Discretionary _____

Project Director _____ Phone _____

Comments _____

Project Title _____

Priorities Listing Codes _____ Check: Pass Through _____

Total Project Allocation $_____ Discretionary _____

Project Director _____ Phone _____

Comments _____

Project Title _____

Priorities Listing Codes _____ Check: Pass Through _____

Total Project Allocation $_____ Discretionary _____

Project Director _____ Phone _____

Comments _____

_____

_____

Project Title _____

Priorities Listing Codes _____ Check: Pass Through _____

Total Project Allocation $_____ Discretionary _____

Project Director _____ Phone _____

Comments _____

_____

_____

Project Title _____

Priorities Listing Codes _____ Check: Pass Through _____

Total Project Allocation $_____ Discretionary _____

Project Director _____ Phone _____

_____

_____

Project Title _____

Priorities Listing Codes _____ Check: Pass Through _____

Total Project Allocation $_____ Discretionary _____

Project Director _____ Phone _____

_____

_____

PROJECT ANALYSIS

Project Number _____ (For State Use) LEA _____

Project Name _____ Project Director _____

_____ Address _____

Project Amount _____ _____

ABSTRACT

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

DATA

Total No. of children to be served _____

Type of handicap _____

Level of handicap:

Age _____

Degree _____

* Indicate number of children

Priorities Served*

1. Unserved _____
2. Inappropriately Served _____
3. Other _____

EHA - Part B
Public Law 94-142
Delineated Budget

Local Unit: _____

Project Number: _____

Project Title: _____

_____

Expenditure Accounts	Part B Budget Request	Carryover Funds	LEA Funds	Other Funds (Specify)	TOTALS
Administration (01.00)					
Instruction (02.00)					
Pupil Personnel Services (03.00)					
Health Services (04.00)					
Pupil Transportation (05.00)					
Operation of Plant (06.00)					
Maintenance of Plant (07.00)					
Fixed Charges (08.00)					
Food Services (09.00)					
Student Body Activity (10.00)					
Community Services (11.00)					
Capital Outlay (12.00)					
Debt Services (13.00)					
Out Going Transfers (14.00)					
Other (Specify)					
TOTALS					

Budget Justification Form

Expenditure Accounts	Subobjects		Cost/Item	Total
	Number	Type		
02.00 Instruction				$
03.00 Pupil Personnel Servs.				
04.00 Health Services				
05.00 Pupil Transportation				
06.00 Operation of Plant				
07.00 Maintenance of Plant				
08.00 Fixed Charges* Indicate your local Fixed Charges Rate here_____%	*Total Instructional Salaries$_____ x Fixed Charges Rate _____% . FICA _____% . Retirement _____% . Workmen's Compensation _____% . Health Care _____%		XXXXXXX _____ _____ _____ _____ _____	$
09.00 Food Services				
10.00 Student Body Activity				
11.00 Community Services				
12.00 Capital Outlay				
13.00 Debt Services				
14.00 Outgoing Transfers				
Other (Specify)				
TOTALS				$

*Calculate Fixed Charges using only those instructional costs which reflect salaries for staff.

P.L. 94-142 Part B Project Objectives

Project Component.	Administrative Objective	Date of Completion
A. Measurable Child - centered project results		
B. Nonpublic school planning and participation		
C. Local level interagency planning and collaboration		
D. Project Evaluation		

Local School System _____

Project Director _____

Project Title _____

_____

_____

(For State Use Only)

Project Number _____

Attachment 4

PROJECT PARTICIPANTS AND EXPENDITURES

Type of Handicapped Children Served	A. Number of Children Receiving Services: 0 Thru 2 (a)	3 Thru 5 (b)	6 Thru 17 (c)	18 Thru 21 (d)	Total (e)	B. Project Personnel Paid From Federal Project Funds: Number of Personnel Paid: Teachers (f)	Teach. Aides (g)	Other Pers. (h)	Total Pers. (i)	C. Personnel Receiving Inservice Training From Federal Project Funds: Number of Personnel Trained: Teachers (j)	Teach. Aides (k)	Other Pers. (l)	Total Pers. (m)	D. Type of Handicapped Children Benefiting: Amount Expended
Mental Retardation														$
Hard of Hearing														
Deaf														
Speech Impaired														
Visually Handicapped														
Seriously Emotionally Disturbed														
Orthopedically Impaired														
Health Impaired														
Specific Learning Disability														
Total														

-226-

APPENDIX J

SUMMARY OF PUBLIC COMMENTS

1. COMMENT: III. FULL EDUCATIONAL OPPORTUNITIES GOAL

Tables 2A, 2B and 2C should include physical therapists.

RESPONSE: The Tables for the State Plan are standardized by the Office of Education. They recommended that physical therapists be entered under the category "Other Non-Instructional Staff."

2. COMMENT: V. CHILD IDENTIFICATION

Head Start should be identified as a resource to interface the MSDE Child Find activities.

RESPONSE: This addition was made on the FY'79 Annual Plan on p. 16.

3. COMMENT: VI. INDIVIDUALIZED EDUCATION PROGRAM

The IEP should reflect all services needed by the Child whether they are available or not.

RESPONSE: The new State Bylaw, quoted in the State Plan, describes the IEP as "a written comprehensive outline for total special education services which describes the special education needs of the child and the services to be provided to meet those needs." (Bylaw 13.04.01.06D(1); FY'79 Annual Plan, p.77). It would thus reflect all services needed by the child.

4. COMMENT: VI. INDIVIDUALIZED EDUCATION PROGRAM

A child should not be transferred or have service terminated in one setting, based upon proposed development of needed services in another setting.

RESPONSE: The new State Bylaw establishes norms which would preclude such a development (Bylaw 13.04.01.06.F4(d); FY'79 Annual Plan, pp. 78-79).

5. COMMENT: VI. INDIVIDUALIZED EDUCATION PROGRAM

Guidelines and definitions for diagnostic services are needed.

RESPONSE: The definition of related services is given in the new Bylaw (FY'79 Annual Plan, p. 59). They are also the same as in the Federal Regulations. The classifications contained there are deemed sufficient for the present.

6. COMMENT: INDIVIDUALIZED EDUCATION PROGRAM

A list of disciplines for diagnostic services available to develop the IEPs which include private and interagency resources necessary for further diagnosis should be developed and maintained at each LEA.

RESPONSE: While the development and maintenance of such a list by each LEA is clearly desirable, it will not be mandated by the MSDE at this time.

7. COMMENT: VI. INDIVIDUALIZED EDUCATION PROGRAM

A compilation of local IEP forms/format should be made for dissemination to LEAs so that a local Interdisciplinary Committee including parents, could revise their IEP as deemed necessary.

RESPONSE: In September, 1977, the MSDE disseminated a packed entitled "Individualized Educational Plans" containing suggested forms and procedures. At that point, most LEAs were unwilling to have their own IEP formats widely shared in the state.

8. COMMENT: VI. INDIVIDUALIZED EDUCATION PROGRAM

LEAs need to provide more inservice in writing IEP short and long term goals emphasizing the leadership role of school administrators. Also, attention needs to be addressed to differentiation of services provided by different providers.

RESPONSE: The monitoring of the 24 LEAs this year revealed that extensive inservice was conducted in each LEA on the IEP process. Further inservice is planned for next year in conjunction with the MSDE's Comprehensive System of Personnel Development.

9. COMMENT: VI. INDIVIDUALIZED EDUCATION PROGRAM

A clear distinction between medical and educational services, and the responsibilities for each needs to be developed.

RESPONSE: The new Bylaw ('79 Annual Plan, P. 59) has attempted to outline the various medical and educational services that are involved. The local ARD Committee, which includes a member of the local health department, is to assist in determining the education related services that are needed ('79 Annual Plan, p. 75-76).

10. COMMENT: VIII. LEAST RESTRICTIVE ENVIRONMENT

Alternative settings should be changed to correspond to levels of service in the Bylaw.

RESPONSE: This change is made in the new '79 Annual Plan (p. 23-24).

11. COMMENT: IX. PROTECTION IN EVALUATION PROCEDURES

Those who administer tests should not only have training but also related experience in the area and level being tested.

RESPONSE: While this is most desirable and recommended, it is not a matter of state mandate except in those instances where experience is required for certification.

12. COMMENT: X. COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT

Nonpublic schools should have equal availability to preservice and inservice training provided through the Maryland CSPD.

RESPONSE: Such availability is a fact. Such inservice training has been provided to several nonpublic schools this past year.

13. COMMENT: X. COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT

Inservice is needed for administrators (principals) and other related services personnel regarding the extent and intent of related services requirement.

RESPONSE: Such inservice is indeed available and is in fact being provided through MSDE's Comprehensive System of Personnel Development.

14. COMMENT: X. COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT

There is need for more inservice of school building administrators and all providers of educational programs and services regarding all requirements of P.L. 94-142 and attitudinal changes needed since they are basically responsible for implementation.

RESPONSE: Such inservice is indeed available and is in fact being provided through MSDE's Comprehensive System of Personnel Development. A pamphlet will be distributed this Fall to all general education personnel describing the Special Education Law and Bylaw

15. COMMENT: X. COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT

Nonpublic schools should be included in the Needs Assessment Surveys in Table 5.

RESPONSE: They have not been included in past surveys due to technical problems. If these difficulties can be overcome, nonpublic schools will be included.

16. COMMENT: X. COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT

Correct Special Education certification requirements need to be revised/updated with emphasis on skills development.

RESPONSE: A Certification and Accreditation Task Force has been appointed by the State Superintendent for that specific purpose. They have been working avidly at this task for several months.

17. COMMENT: X. COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT

The State should be responsible and have qualified personnel at the State level to supervise Bachelor level related services personnel when the appropriate related services supervisor is not available at the local level.

RESPONSE: Such action is being contemplated, in particular, for the supervisor of physical therapists. A job description has been drawn up, but due to job freezes, further action is temporarily halted.

18. COMMENT: XI. PARTICIPATION OF PRIVATE SCHOOL CHILDREN

When service is not provided at the private school and is deemed necessary to meet the documented needs of a specific handicapped child placed in that school (by the parent), the LEA should insure that the service be made available to the child at no cost to the parent. Such services shall be comparable to those provided to public handicapped children.

RESPONSE: It is the responsibility of the LEA to insure that every handicapped child is provided special education and related services ('79 Annual Plan, p. 38). Such special education and related services to handicapped children placed in private schools are not to be different from such services provided to children in public schools ('79 Annual Plan, p. 39).

19. COMMENT: XI. PARTICIPATION OF PRIVATE SCHOOL CHILDREN

In addition to "dual enrollment, educational radio and television and provision of mobile educational services and equipment," permissible forms of service delivery may include but not be limited to consultants, purchase of care and shared public school staff after hours.

RESPONSE: The phrases in quotes are taken directly from federal regulations and are included in this plan (p. 39). The other suggested forms of service delivery are permissible if "in accordance with established policies." (p. 39)

20. COMMENT: XV. EVALUATION

Monitoring/Evaluation (State) teams should be expanded to include regular educators and teacher level personnel.

RESPONSE: This recommendation is being taken under advisement by the planning committee for the FY '79 monitoring and evaluation. General Educators were included on some Monitoring and Evaluation Teams for FY'78.

21. COMMENT: XVI. ADDITIONAL REQUIREMENTS

For FY'79 funds should be addressed to the provision of related services to meet 2nd priority.

RESPONSE: Such were the explicit directions provided to LEAs on use

of Part B funds. The local application forms are geared to insure that these priorities are maintained (see FY '79 Annual Plan, pp. 216-221).

22. COMMENT: XVI. ADDITIONAL REQUIREMENTS

Funds should be addressed for inservice of administrators, teachers and related services personnel.

RESPONSE: There is nothing to preclude the use of Part B funds for such activities. The MSDE has nevertheless sought to address federal and state priorities first (FY '79 Annual Plan, pp. 51-52). The State's Comprehensive System of Personnel Development does address these inservice areas (p. 32).

23. COMMENT: XVI. ADDITIONAL REQUIREMENTS

Direct Services Guidelines are needed by SEA as to how SEA must provide direct services.

RESPONSE: The above reviewer stated that "SEA is already in direct service per review of nonpublic IEPs without seeing the children." It is our understanding that review of nonpublic IEPs does not constitute direct services by the SEA, and that in fact direct services are not being provided by the SEA.

24. COMMENT: XVII. DESCRIPTION OF USE OF PART B FUNDS

Information regarding the Advisory Panel needs to be incorporated in the Plan.

RESPONSE: This has been done. Details are found on p. 50 of the Plan.

25. COMMENT: X. COMPREHENSIVE SYSTEM OF PERSONNEL DEVELOPMENT

There is need for greater specificity concerning the involvement of appropriate agencies in CSPD. We recommend that several agencies be cited as examples.

RESPONSE: The involvement of appropriate agencies in CSPD is stressed in the Plan. The inclusion of specifically named agencies was deemed inappropriate.

26. COMMENT: INCORPORATION OF HEAD START PROGRAMS

Head Start data should be incorporated where appropriate, including "the number of handicapped children in Head Start with a breakout by condition and the training needs of personnel."

RESPONSE: The FY '79 Annual Plan does not contain a breakout of information regarding specific agencies. All children processed by the local ARD Committee and recommended for services in programs like Head Start must be entered into SSIS, and thus they become part of the data base for child count and other programs in the State Plan.

27. COMMENT: HEAD START PROGRAMS

The FY '79 Annual Plan should make specific reference to how the collaborative agreement with Head Start can be implemented at the local agency level.

RESPONSE: The Collaborative Agreement with Head Start is incorporated on p. 191. The implementation of this agreement at the local level is to be worked out with each local educational agency.

FURTHER CLARIFICATIONS

I. PUBLIC NOTICE AND OPPORTUNITY FOR COMMENT

1) LIST OF NEWSPAPERS USED AND DATES OF PUBLICATION

The Public Announcement of availability of the proposed FY'79 Maryland Annual Program Plan (APP) for review and public comment was published in the following newspapers:

1.	Baltimore Sun	Sunday, July 30, 1978
2.	Washington Post	Sunday, July 30, 1978
3.	Baltimore News American	Sunday, July 30, 1978
4.	Baltimore Afro-American	Friday, July 28, 1978

2) CONTENTS OF NOTICES

Two notices of public hearings were mailed (7/17/78 and 8/1/78) to all recipients of the State Plan, all public repositories (for insertion in State Plan) and all parties interested in the Education of the Handicapped in Maryland. The July 17 notice contained an attached abstract of the APP describing its purpose and content, and the timetable for developing and submitting the APP.

III. FULL EDUCATIONAL OPPORTUNITIES GOAL AND TIMELINES

In accordance with federal regulations (121a.123), Maryland has a goal of providing full educational opportunities to all handicapped children aged birth to twenty-one. The timetable for achieving this in Maryland is established in Board Resolution No. 1977-50 (FY'79 Annual Program Plan, p. 109). It requires a phase-in according to populations: first 5-20, then 3-4, then 0-2 populations. The 0-20 populations are to be served by FY 1981.

VI. INDIVIDUALIZED EDUCATION PROGRAM (IEP)

With regard to children placed in private schools, Bylaw 13.04.01.06F2b (FY'79 Annual Program Plan, p. 86) states: "The placement of a child in such an approved nonpublic special education program shall occur in a manner consistent with the identification, assessment, and placement of other handicapped children within the responsible local education agency. A child recommended for nonpublic placement shall be afforded all the rights provided by State and federal laws and their governing regulations." By way of clarification, the Bylaw Training Module describes the jointly planned IEP. "Children placed through the Admission, Review and Dismissal (ARD) process with State approval in nonpublic programs must have IEPs that are planned jointly by the local education agency (LEA)

and the nonpublic program. There must be an arrangement whereby the nonpublic facility agrees to provide those things which the LEA determines the child needs. In some cases this means that LEAs work out IEPs with a number of different agencies. It also means that nonpublic agencies work out IEPs with a large number of LEAs."

In accordance with the above policies and procedures, meetings to review and revise the child's IEP may be conducted by the private school or facility at the discretion of the public agency. Parents and an agency representative must be present at these meetings, be involved in any decision about the IEP, and agree to any proposed changes before these changes can be implemented.

VII. PROCEDURAL SAFEGUARDS

1. Independent evaluation. Bylaw 13.04.01.07A6 ('79 APP p. 97) states "Parents or guardians shall have the right to obtain an independent assessment of the child, the expense which is to be borne in accordance with applicable federal regulations." This means in effect that "a parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency"(Federal Regulations, 121a503b).

2. Notice to parents. Bylaw 13.04.01.07A4 ('79 APP p. 96) expands upon the requirements in federal regulations 121a.505a. Among these requirements is that the notice contain "a clear and concise statement of the reasons for the proposed action and a listing of any other possible appropriate actions, and a description of the records used as a basis for the decision." In our judgment, this would include "a description of any other factors which are relevant to the agency's proposal or refusal." (121a.504a4).

3. Parental consent. Maryland Bylaw requires written parental permission before assessment is initiated (13.04.01.06C5b) and written approval of the IEP before placement (13.04.01.06D3). No other consent is required as a condition of any benefit to the parent or child.

4. Opportunity for argument at hearing. Maryland Bylaw 13.04.01.07A7a requires that "Parents or guardians shall have the opportunity to present competent and relevant evidence, including but not limited to the results of independent assessments; both in documentary form and through witnesses." In addition, the Impartial Hearing Officers Manual, developed by the Maryland State Department of Education requires that the impartial hearing officer takes steps to assure that "Procedures have been implemented to assure efficient communication between all parties and a full presentation of all information. These procedures include: proper identification of all witnesses; introduction of material into the record as appropriate; additional questions to remove confusion and ambiguities; limiting discussion to what is relevant to the hearing; restriction of testimony that is redundant or superfluous; termination of harassment; provision for parties to question and cross examine each other; provision of the opportunity for closing statements for all parties." (Impartial Hearing Officers Trainees' Manual, p. 9).

VIII. LEAST RESTRICTIVE ENVIRONMENT

1. Major problem areas. The State of Maryland has been implementing the least restrictive environment for several years. It was mandated in an earlier Bylaw which required the Continuum Handbook to be used as a guide. As a result, major problems have been ironed out by now. The only areas in which occasional problems emerge are: 1) finding placements for severely and multiply handicapped youth, and 2) enforcement of least restrictive environment in some institutions.

2. Nonacademic and extracurricular services. Maryland policy states that "The MSDE, LEA and all providers of educational programs and services shall insure that to the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped, and that special classes, separate school or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily." ('78 Maryland APP, p. 47) This applies in particular to the nonacademic and extracurricular services and activities, including meals and recess periods. It may also include counseling services, athletics, transportation, health services, recreational activities, special interest groups or clubs sponsored by the public agency, referrals to agencies which provide assistance to handicapped persons, and employment of students, including both employment by the public agency and assistance in making outside employment available.

3. Private and public institutions. According to State Law in Maryland, placements in private institutions must be approved by the State Department of Education. In giving approval, the State checks closely into the implementation of the doctrine of least restrictive environment in each case. This includes a close review of the IEP and possible alternative placements. Referral for public institutional placements are made by parents, LEAs, the court and other state agencies, such as Department of Health and Mental Hygiene and Department of Human Resources. The certification of the educational programs in these institutions as well as the IEP case review and program monitoring/evaluation are being conducted by the State Department of Education to ensure appropriate placement in the least restrictive environment.

4. Teachers and administrators. The local comprehensive plans submitted annually by each LEA in accordance with State Law describes the implementation of the doctrine of the least restrictive environment in that LEA, and also lists the training activities undertaken to ensure compliance with the various provisions of the law. Tables 5A and 5B of the '79 APP (pp. 36, 37) specify the precise number of teachers and administrators projected to receive training in the least restrictive environment in public and private agencies during the '78-79 school year. Technical assistance and training is provided readily to all groups through Maryland's Comprehensive System of Personnel Development ('79 APP, p. 32).

5. Placement near child's home. Maryland Bylaw 13.04.01.06F4, under "Special Rules Applicable to Certain Nonpublic Placements" require that "the program is located in or within daily commuting distance from the child's place of residence."

IX. PROTECTION IN EVALUATION PROCEDURES

Procedures insuring that information from all sources are documented. The Maryland State Department of Education has recently (September, 1978) disseminated guidelines for assessing students with special needs, entitled Protection in Evaluation. This document establishes procedures for the educational assessment, as well as assessment of cognitive, emotional and physical functioning. It requires that "Each assessment shall include: (1) a description of behaviors which establish the existence of a handicapping condition; (2) a statement which describes, in terms of special education services needed, the child's performance as it deviates from developmental substances, and/or general education objectives, as appropriate; (3) a statement of the criteria used to establish the deviation and eligibility for special education services; and the criteria used to make the determinations required on the cognitive and emotional assessments; (4) the signature of the assessor." (p.3). All these matters are to be fully documented.

XI. PARTICIPATION OF PRIVATE SCHOOL CHILDREN

1. Public personnel in nonpublic facilities. In accordance with federal regulations, public school personnel may be made available in other than public school facilities only to the extent necessary to provide services required by the handicapped children for whose needs those services were designed, and only when those services are not normally provided by the private school (Federal Regulations 121a.456a).

2. Records and accounting for equipment. Maryland procedures ('78 APP, p. 65) require that the LEA maintain administrative control and direction over services provided to children enrolled in private schools. Such administrative control entails keeping records, accounting for the equipment and insuring that it be used solely for the purpose of the program or project.

XVII. DESCRIPTION OF USE OF PART B FUNDS

1. The following administrative positions are currently funded from Part B funds:

Chief, Federal Projects Branch - responsible for development of State Plan and for administration of all Federal grants

Budget Affairs Specialist - prepare budgets, monitor budgets and expenditures of federal projects

Project Specialist - technical review of local applications and project proposals (94-142, 89-313); monitoring and evaluation

Project Specialist - technical review of local applications and project proposals (94-142, 89-313); monitoring and evaluation

Administrative Specialist - record keeping of BB4s, RFPs and inhouse projects

Chief, Program Development and Assistance Branch - responsible for the provision of services and assistance to local education agencies in the areas of staff development, programming of

low incidence handicapped and early childhood special education programs

Public Affairs Specialist - preparation of publications for all state handicapped programs

Program Director, Physical Therapy and Occupational Therapy - coordinates statewide PT and OT activities

Early Childhood Specialist - coordinates statewide preschool programs for handicapped

Early Childhood Specialist - assist in coordination of statewide preschool programs for handicapped

Chief, Liaison Branch - serves as primary communicator with Advocate groups, other state departments serving the handicapped and with other divisions and offices within the department

Child Find Specialist - coordinate statewide child identification efforts

Information Specialist - implements child advocacy system; provides statewide information and referral contact

Chief, Information Branch - establishes and implements information system which provides data regarding child count, curriculum materials and other fiscal and personnel data necessary for program and fiscal management.

Fiscal Officer - keeps fiscal data to insure excess cost and maintenance of local effort requirements

Program Analyst - Computer programming for information system

Curriculum Materials Specialist - maintains legislative reference library and curriculum materials reference center

Chief, Nonpublic Branch - responsible for developing and implementing the procedures for the administration of the nonpublic tuition assistance program for handicapped children

Placement Specialist - develops and implements state hearing procedures regarding the placement of handicapped children

2. LEA Applications. All LEAs were eligible, but 23 out of 24 LEAs have accepted allocations under P.L. 94-142. No consolidated applications were made in the State of Maryland.

TABLES 3 AND 4

The totals of these two tables are identical. They represent cumulative totals for the year. Table 3 Totals were added together to equal 104,041. Table 4 Totals (columns 4,9,14 and 18) were added together to equal 104,041.

SUMMARY OF COMMENTS AND RESPONSES TO '79 STATE PLAN

1. C. Under Child Find activities (p. 16) there is listed a group of professionals involved in the process. Why are psychologists omitted?
   R. The list of professionals to whom Child Find leaflets were distributed (p. 16) is not an exhaustive list. In point of fact, leaflets were distributed to psychologists through their professional organizations and through the local school systems.

2. C. The level of reimbursement for educational programs of students residing in public institutions should be changed from a Level V to a Level VI program maximum.
   R. No change has been made. The local board of education is to pay the public institution "an amount not to exceed that amount which the sending local board of education appropriates from its own funds on an average per pupil cost basis for all children receiving locally operated Level V service or the actual cost of the program, whichever is less" (p. 64). To use a Level VI maximum would make for unlimited funding for public institutions.

3. C. The State Advisory Committee for Special Education or some other representative body should monitor the implementation of the Amended Annual Program Plan and publish a report for inclusion in the next Amended Annual Program Plan.
   R. The responsibilities of the State Advisory Committee are clearly delineated in Maryland Bylaw 13.04.01.03A and in federal regulations 121a.652. The monitoring role is defined in law as a function of the State educational agency (121a.601). It is understood, nevertheless, that the Advisory Committee will apprise itself of the monitoring report as well as other sources of information to advise the State educational agency of unmet needs.

4. C. It may be a case of LEAs not requesting assistance or individuals not being aware of the services that have been developed, but effective inservice programs are not taking place in all of the local jurisdictions of the State.
   R. Maryland's Comprehensive System of Personnel Development (pp. 28-37) is geared to providing such effective service throughout the State. Forms for reporting such services are distributed annually to all LEA directors and private school directors. Further awareness activities concerning these services are planned through regional administrators and liaison personnel. A greater and more expanded effort is planned for FY '79.

5. C. The staffing ratios for levels of special education services need to be evaluated and upgraded.
   R. Maryland's Bylaw 13.04.01 established ratios for levels of services in accordance with established professional standards nationally. These ratios will continue to be reviewed periodically.

6. C. There is a need for guidelines for implementation of service delivery for Level II services.
   R. Almost simultaneously with the publication of Maryland's new Bylaw, work was begun on the preparation of guidelines for delivery of services according to service levels. These should be ready by January, 1979.

7. C. The Plan continues to support the denial to the LEA of the final decision making authority over the placement of its own children in facilities which it deems can best serve the children.

R. The State policy for placement of handicapped children in nonpublic educational programs is established in Maryland Law, Article 77, Section 106D. This is also in conformity with federal regulations 121a.400-403.

8. C. There is a lack of reference in the Plan to problems which occurred in 1978 relative to the handling of placements of some handicapped children in nonpublic special education schools and the absence of recommendations to correct such problems.

R. The problems referred to, as in the previous comment, deal with matters of law, i.e., the authority of the State Department of Education to approve the nonpublic program, the placement in it, the cost of the program and the amount of payment or reimbursement (Article 77, Section 106D). The Maryland State Department of Education supports the implementation of this law.

9. C. The Plan basically ignores the nonpublic special education sector.

R. The Plan seeks to pull together all responsibilities based on federal and state laws, bylaws and regulations pertaining to nonpublic special education programs. Input for this plan, furthermore, was solicited from the advisory committees and professional organizations involved with nonpublic special education. The Maryland State Department of Education has sought to incorporate all relevant data in this plan and does not support the contention that the nonpublic sector has been ignored.

10. C. The Bylaw (13.04.01.06C3) indicates that the IEP is to be drawn within 30 calendar days of the committee placement decision. This violates P.L. 94-142 which requires that the placement be based on the IEP, not the reverse.

R. The Maryland Bylaw requires that the ARD Committee first arrange for appropriate assessment procedures, then review the results of these assessments, make a preliminary placement decision, designate individuals to draw up the IEP and then implement the placement decision. Written perental permission is required before assessment is initiated and before placement is made. Parents are to be informed, furthermore, concerning referral, assessment results and review schedules and process. In this way the placement is indeed based on the IEP, and in conformity with other local requirements of P.L. 94-142.

11. C. The Bylaw (13.04.01.06F3a) unnecessarily restricts nonpublic placement to children eligible for Level V or Level VI services. In fact, the Department of Education must place the child in a nonpublic school whenever there is no appropriate public school program.

R. The responsibility of the Maryland State Department of Education is to provide a free and appropriate public education for every handicapped child regardless of level of placement is clear. The experience of the Maryland State Department of Education bears out that Levels I to IV services are in fact available in every LEA in the State. For this reason, approved nonpublic placements are limited to Levels V or VI services.

12. C. The Bylaw (13.04.01.06Ef) limits residential placement to a student "who requires 24 hour special education programming and personal care." However, if there is no appropriate public school placement, and if the only appropriate placement is too far to commute, the child must be placed in residential placement."

R. Residential placement is considered a Level VI service in the Maryland Bylaw. As in the previous comment, it is our experience that other children can be placed in appropriate placements in each LEA without the requirement of residential placement except in instances requiring "24 hour special education programming and personal care." This meets the requirements of the doctrine of the least restrictive environment as required in federal and state law.

13. C. The Bylaw (13.04.01.06F4e,f) seems to give the State Department of Education the right to disapprove a nonpublic placement approved by the LEA without following the procedures specified in P.L. 94-142, Sec. 121a505 and 121a533.

R. Maryland's Bylaw (13.04.01.06F4e,f) was written with particular care to be in conformity with the requirements of 121a.505 Content of Notice, and 121a.533 Placement Procedures. It is our judgement that there is no conflict between them.

14. C. The requirement that the parents of children placed in residential placements pay "raw food costs" violates P.L. 94-142.

R. The State Board of Education has determined to abide by a recent ruling from BEH and OCR concerning raw food costs. It has initiated action legally to repeal the relevant passages in the Bylaw, as is indicated in the enclosed announcement in the Maryland Register (see pp.242-244).

15. C. The regulations in Appendix C (State Bylaw) and the practice under it should be strengthened to place education planning clearly in perspective as part of a total plan for the child's needs.

R. The intent of the new Bylaw is precisely to place education planning in clear perspective relative to the child's needs. In order to assist in this process, it requires that every ARD team include "individuals who are familiar with the child's current level of functioning (these individuals shall include a special educator and interdisciplinary personnel from the local education agency and the local health department), and other public agencies, as appropriate" (p. 75). This would necessarily involve persons from such agencies as the Department of Human Resources and the Department of Health and Mental Hygiene whenever needed.

16. C. There is no liaison established at the State level for child identification purposes as indicated on p. 16 of the Plan.

R. Responsibility for liaison with each public agency has been delegated to the Liaison Branch of the Division of Special Education, Maryland State Department of Education. While liaison with some agencies is only in the initial stage, more developed liaison is anticipated with each group during the next school year. The child identification process was addressed in written communication between the State Superintendent and all relevant public agencies, requesting collaboration.

17. C. The data tables in the '79 Plan do not reflect a number of children in foster care placements who have their education funded solely through Department of Human Resources grants.

R. In accordance with the State Law: 1) all handicapped children are to be placed through the ARD process; 2) the LEA has responsibility for all the children in its jurisdiction; 3) an SSIS form is to be completed and submitted to the State education agency for every handicapped child placed by the ARD process. In light of this law, data submitted by every LEA on SSIS forms were compiled for the tables in the '79 Plan. It is our assumption that every identified handicapped child is included in these data tables.

PLEASE READ REVERSE SIDE BEFORE COMPLETING FORM

1a. FILED WITH AELR COMMITTEE

Transmittal Sheet
PROPOSED ACTION ON REGULATIONS

DIVISION OF STATE DOCUMENTS
P.O. BOX 802
Annapolis, Maryland 21404
(301) 269-2486

2. FILED WITH DIV OF STATE DOC.

3. DOCUMENT NUMBER

4. ANTICIPATED DATE OF PUBLICATION IN THE MARYLAND REGISTER

5. TRANSMITTAL DATE: October 20, 1978

6. NAME OF AUTHORIZED PERSON TO CALL REGARDING THESE REGULATIONS: Jan Battaglia
TELEPHONE NUMBER: 796-8300 Ext. 212

7. NAME OF DEPARTMENT: State Department of Education

8. NAME OF AGENCY WITHIN DEPARTMENT: State Board of Education

9. STATUTORY AUTHORITY FOR PROMULGATING REGULATIONS: Educ. Art. §§ 8-401, 8-402, 8-403, 8-409 (1978)

10. A COMAR CHAPTER NUMBER: 13.04.01

B. COMAR CHAPTER NAME: Programs for Handicapped Children

C. REGULATIONS AFFECTED: .06 Programming.

F. Nonpublic Institutions and Child Placement Approval Auth

11. KIND OF PROPOSED ACTION
- ☐ NEW REGULATIONS
- ☐ AMENDMENT TO EXISTING REGULATIONS
- ☒ REPEAL OF EXISTING REGULATIONS

12. ☒ NOTICE OF PROPOSED ACTION, ESTIMATE OF ECONOMIC IMPACT AND OPPORTUNITY FOR PUBLIC COMMENT INCLUDED AT BEGINNING OF REGULATIONS

13. CERTIFICATE OF AUTHORIZED OFFICER

I hereby certify that the attached regulations are proposed for adoption / amendment / repeal in compliance with the Administrative Procedure Act and the State Documents Law

TYPED OR PRINTED NAME OF AUTHORIZED OFFICER: David W. Hornbeck

TITLE: State Superintendent of Schools

SIGNATURE: [signature]

CERTIFICATION DATE: 10/20/78

14. CERTIFICATE OF LEGAL OFFICER

I hereby certify that the regulations either attached or [illegible] have been approved as legally sufficient pursuant to Art. 41 of Annotated Code of Maryland.

TYPED OR PRINTED NAME OF LEGAL OFFICER: Malcolm R. Kitt

TITLE: Assistant Attorney General

SIGNATURE: [signature]

CERTIFICATION DATE: [illegible]

Title 13 - DEPARTMENT OF EDUCATION

Notice of Proposed Action

The State Board of Education proposes to repeal Bylaw 13.04.01, Programs for Handicapped Children as described below to be effective on or about December 20, 1978, such action to be retroactively effective as of July 1, 1978.

Estimate of Economic Impact

(1) Revenues and expenditures of the agency.

The proposed action will require the expenditure of an additional $30,000 per year to reimburse certain private schools for raw food costs.

(2) Revenues and expenditures of any other state or local governmental agency.

The proposed action has no economic impact.

(3) Affected taxpayer, consumer, industry or trade groups.

The proposed action has no economic impact.

Opportunity for Public Comment

Written comments may be sent to David W. Hornbeck, State Superintendent of Schools, International Tower Building, 857 Elkridge Landing Road, Linthicum Heights, Maryland; these comments must be received no later than November 30, 1978.

13.04.01 - Programs for Handicapped Children

Authority: Maryland Annotated Code Education Article §§ 8-401, 8-402, 8-403, 8-409 (1978)

.06 Programming.

A. through E. - TEXT UNCHANGED

F. Nonpublic Institutions and Child Placement Approval Authority.

(1) TEXT UNCHANGED

(2) Program Placement Approval.

(a) through (c) - TEXT UNCHANGED

(d) In providing or arranging for special education services in an approved nonpublic special education program, the parents or guardians of the child shall be required to pay the following, (in accordance with their ability to pay as determined by the State Superintendent of Schools): [raw food costs not normally provided in the public schools and] an amount reasonably estimated to represent other costs which would normally be incurred by parents or guardians in caring for a child enrolled in a local public school and living at home.

(e) TEXT UNCHANGED

(3) TEXT UNCHANGED

(4) TEXT UNCHANGED

(5) TEXT UNCHANGED